

EXHIBIT 1

Maria Mahmood

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

- - -

MARIA MAHMOOD,	:
Plaintiff,	:
	:
VS.	:
	:
NATIONAL BOARD OF MEDICAL	:
EXAMINERS,	:
Defendant.	: 2:12-CV-01544-TR

- - -

Monday, November 19, 2012

- - -

Oral deposition of MARIA MAHMOOD held at
the offices of Hamburg & Golden, P.C., 1601 Market
Street, Suite 3310, Philadelphia, Pennsylvania,
19103, on the above date, beginning at 12:15 p.m.,
before Lisa DePascale, a Registered Reporter and
Notary Public.

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Maria Mahmood

	Page 2	Page 4	
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	Page 3	Page 5	
1	INDEX		
2	WITNESS: MARIA MAHMOOD	PAGE NO.	
3			
4			
5	BY: MR. SACKS	4, 132	
6	MR. REIL	127	
7	EXHIBITS		
8	NUMBER	DESCRIPTION	PAGE NO.
9	Mahmood 1	UIC Transcript, 3 pages	38
10	Mahmood 2	USMLE Applicant's Request for Test Accommodations, 4 pages	40
11	Mahmood 3	NBME Confirmation of Test Accommodations letter dated June 6, 2007, 2 pages	42
12	Mahmood 4	USMLE Form for Requesting Subsequent Test Accommodations, 1 page	45
13	Mahmood 5	NBME Confirmation of Test Accommodations letter dated May 6, 2008, 2 pages	46
14	Mahmood 6	USMLE Form for Requesting Subsequent Test Accommodations 1 page	51
15	Mahmood 7	NBME letter dated May 5, 2011 1 page	52
16	Mahmood 8	NBME Confirmation of Test Accommodations letter dated May 16, 2011, 2 pages	53
17	Mahmood 9	Prometric report dated August 16, 2011, 4 pages	91
18	Mahmood 10	Police Report, 3 pages	95
19	Mahmood 11	Letter dated January 22, 2012,	
20			
21			
22			
23			
24			

2 (Pages 2 to 5)

Maria Mahmood

Page 6	Page 8
<p>1 Q. Okay. Could you give your full name for the 2 record, please.</p> <p>3 A. It's Maria Mahmood.</p> <p>4 Q. And what is your home address?</p> <p>5 A. 14717 Exbury Lane, Laurel, Maryland.</p> <p>6 Q. And who do you live with there?</p> <p>7 A. My father, my mother, and my brother.</p> <p>8 MR. REIL: Can we go off the record for 9 a minute, Michael?</p> <p>10 (Discussion was held off the record.)</p> <p>11 MR. SACKS: This is Susan Williams who 12 is an attorney and a representative of the National 13 Board of Medical Examiners.</p> <p>14 MR. REIL: Fine. Thank you. Excuse my 15 interruption.</p> <p>16 MR. SACKS: No problem.</p> <p>17 BY MR. SACKS:</p> <p>18 Q. And how long have you lived at that address?</p> <p>19 A. I would say approximately a decade, ten years.</p> <p>20 Q. Okay. Who owns the house?</p> <p>21 A. My parents.</p> <p>22 Q. And do you know if the house is mortgaged? Do 23 you know if your parents own it outright?</p> <p>24 A. I do believe we have a mortgage.</p>	<p>1 A. Yes.</p> <p>2 Q. And your brother, does he work outside the 3 home?</p> <p>4 A. He does not.</p> <p>5 Q. Okay. Is he employed at all?</p> <p>6 A. No.</p> <p>7 Q. Is he in school?</p> <p>8 A. He is not currently in school. He is looking. 9 He is between jobs.</p> <p>10 Q. Okay. When did you come to this country?</p> <p>11 A. In 2000.</p> <p>12 Q. And did you come with your family that you've 13 already mentioned?</p> <p>14 A. Yes.</p> <p>15 Q. And what country did you come from?</p> <p>16 A. Pakistan.</p> <p>17 Q. Are what is your citizenship?</p> <p>18 A. Pakistan.</p> <p>19 Q. What is your immigration status in the United 20 States?</p> <p>21 A. I am a permanent resident.</p> <p>22 Q. Are you employed now?</p> <p>23 A. Not at the moment.</p> <p>24 Q. When have you been employed? What was the last</p>
Page 7	Page 9
<p>1 Q. Okay. And your father is Anwar Mahmood; is 2 that right?</p> <p>3 A. Yes.</p> <p>4 Q. And where does -- does he work?</p> <p>5 A. He does work, yes.</p> <p>6 Q. And where does he work? For whom?</p> <p>7 A. He works for the Government of DC -- of 8 Washington, DC in the office of disability 9 accommodations, something to that effect. He 10 essentially -- he's an architect. So he inspects 11 buildings to make sure that they are compliant with 12 ADA accommodations -- ADA -- with the ADA law.</p> <p>13 Q. Okay.</p> <p>14 A. The way I understand it.</p> <p>15 Q. Okay. And how long has he worked there, give 16 or take?</p> <p>17 A. It's been, I think, at least three to four 18 years. I'm not sure of the exact length of time.</p> <p>19 Q. And your mother, does your mother work outside 20 the home?</p> <p>21 A. Yes.</p> <p>22 Q. And what does she do?</p> <p>23 A. She is a DNA technologist, an analyst.</p> <p>24 Q. And that's full-time employment also?</p>	<p>1 job that you had?</p> <p>2 A. The last job I had was over the summer at -- I 3 was an administrative assistant in my mother's 4 company -- the company that my mother works at. 5 Q. And that was the summer of 2012?</p> <p>6 A. No. That was quite a few years ago. That 7 was 2005 or '06 approximately.</p> <p>8 Q. So since 2005 or '06, you have not been 9 employed?</p> <p>10 A. No.</p> <p>11 MR. REIL: Let's go off the record for 12 a minute.</p> <p>13 (Discussion was held off the record.)</p> <p>14 MR. REIL: The usual stipulations will 15 apply to this deposition.</p> <p>16 MR. SACKS: What is your understanding 17 of that?</p> <p>18 MR. REIL: That basically objections, 19 except to the form of the question, are going to be 20 reserved to trial. And we're waiving signing, sealing 21 and certifying the deposition.</p> <p>22 MR. SACKS: So you're waiving read and 23 sign?</p> <p>24 MR. REIL: Yes.</p>

Maria Mahmood

Page 10	Page 12
<p>1 MR. SACKS: Okay. That's acceptable.</p> <p>2 BY MR. SACKS:</p> <p>3 Q. So do you have student loans?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And did you take out student loans to go to college?</p> <p>7 A. Yes.</p> <p>8 Q. And are those still outstanding?</p> <p>9 A. I believe a small fraction of them are, but -- well, the majority of my loans are associated with medical school.</p> <p>12 Q. And what is the -- where did you get the loans? Was it through a bank or a government program?</p> <p>14 A. It was -- I believe most of them are through government programs.</p> <p>16 Q. Okay. And what is -- is there a popular name for that program? Is there a general term for that, like Pell Grant or something of that nature?</p> <p>19 A. There is direct loans, subsidized and unsubsidized. I believe there is a GradPLUS loan, I think, yes, there is. That has a large number associated with it. And those are the two that I specifically remember.</p> <p>24 Q. Okay. And the second one that you just</p>	<p>1 A. No.</p> <p>2 Q. Or your parents?</p> <p>3 A. No.</p> <p>4 Q. I want to ask you some questions about your education.</p> <p>6 A. Okay.</p> <p>7 Q. Where did you go to -- first of all, what is your date of birth?</p> <p>9 A. August 15, 1979.</p> <p>10 Q. And that makes you 33 today?</p> <p>11 A. Yes.</p> <p>12 Q. And how old were you when you came to this country, roughly?</p> <p>14 A. I'm just doing the math in my head -- 21. It was in 2000 so.</p> <p>16 Q. Okay. So did you attend high school in Pakistan?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. And what is the name of that school? Where did you go?</p> <p>21 A. High school in Pakistan is complicated because the educational system there is more British oriented versus here. So I did grades 1 through 11, for the most part, at the Convent of Jesus and Mary in Lahore,</p>
<p style="text-align: center;">Page 11</p> <p>1 mentioned, could you be a little more specific about that -- to whom you owe that money?</p> <p>3 A. Honestly, I've allowed my parents to handle that because they are employed. They pay for it. So it's better if they have access to that information more than I do so.</p> <p>7 Q. Okay. How much is the total amount that you have borrowed to go to medical school?</p> <p>9 MR. REIL: Approximately.</p> <p>10 THE WITNESS: Like from -- do you mean from beginning to the end or how much do I owe now?</p> <p>12 BY MR. SACKS:</p> <p>13 Q. Well, how about both, that's a good question?</p> <p>14 A. So I believe the total amount that I owed for medical school approached about 400,000. And the current amount is about 250,000. I'm saying this to the best of my knowledge.</p> <p>18 Q. Everything is to the best of your knowledge, sure.</p> <p>20 A. Yes.</p> <p>21 Q. So your parents have been -- do your parents pay back the loans on a monthly basis?</p> <p>23 A. Yes.</p> <p>24 Q. Have you ever declared bankruptcy?</p>	<p style="text-align: center;">Page 13</p> <p>1 Pakistan. Lahore is the city, L-A-H-O-R-E. And then I went through -- I went and gave my A level or advanced level courses through the University of Cambridge, which brings me -- which essentially provides me with two years of college level experience -- college level courses.</p> <p>7 Q. And did you do that in Cambridge in the UK?</p> <p>8 A. No. Through the British Embassy in Pakistan.</p> <p>9 Q. So where did you actually attend?</p> <p>10 A. So it's similar to just, you know, sitting for the exams for those. I did the coursework in Pakistan at -- like it was an institute called the Keynesian Institute of Management and Sciences.</p> <p>14 Q. Keynesian?</p> <p>15 A. Yes. Keynesian.</p> <p>16 Q. K-E-Y-N-E-S?</p> <p>17 A. Yes, I-A-N, I believe.</p> <p>18 Q. Okay. So you took courses and then tested?</p> <p>19 A. Yes.</p> <p>20 Q. And you passed what is equivalent to two years of college that way?</p> <p>22 A. Yes.</p> <p>23 Q. And is that the extent of the education in Pakistan?</p>

Maria Mahmood

Page 14	Page 16
1 A. Yes.	1 I had off. And then fall of 2004, I began medical
2 Q. Okay. When you came to the U.S., did you attend	2 school.
3 college?	3 Q. Okay. During the time that you were at the
4 A. Yes.	4 University of Maryland, did you ever file any claims
5 Q. And where did you go?	5 against the University of Maryland?
6 A. University of Maryland.	6 A. No.
7 Q. What did you study there?	7 Q. Any complaints of any kind?
8 A. Microbiology.	8 A. No.
9 Q. Did you enter as a junior?	9 Q. Did you file any grievances?
10 A. I am not entirely sure about my specific	10 A. No.
11 status. I know that I did have advanced credit.	11 Q. Any lawsuits?
12 Q. So you got credit for the education or the	12 A. No.
13 college level that you had in Pakistan?	13 Q. Were you ever placed on probation?
14 A. Mm-hmm.	14 A. No.
15 Q. Okay. What years did you attend University of	15 Q. Okay. What are the medical schools that you
16 Maryland?	16 applied to?
17 A. 2000 to I believe it was 2003.	17 A. I applied to quite a large number of medical
18 Q. And did you attain a degree there?	18 schools. They were mostly on the East Coast,
19 A. Yes.	19 geographically. And I believe the farthest was in the
20 Q. What degree?	20 Chicago area.
21 A. Bachelor of Science in Microbiology.	21 Q. Okay. So let me ask you again. What medical
22 Q. And that was in 2003?	22 schools did you apply to on the East Coast then?
23 A. Yes.	23 A. I don't -- there were -- the list was quite
24 Q. What was your grade point average at the	24 long, more than 30. I don't remember exactly the
Page 15	Page 17
1 University of Maryland?	1 names anymore. It was quite a while ago.
2 A. I believe it was a 3.5.	2 Q. Okay. Why don't you try to remember as many as
3 Q. Okay. Were you ever disciplined in any way at	3 you can.
4 the University of Maryland?	4 A. The University of Maryland, obviously,
5 A. No.	5 University of Virginia, University of West Virginia,
6 Q. Did you receive any honors at the University of	6 Howard University, even Harvard University, Johns
7 Maryland or awards?	7 Hopkins University, Boston University, University of
8 A. I may have been on the Dean's List once or	8 North Carolina. There were a couple in North Carolina
9 twice. I don't recall any specific awards.	9 and I think one in South Carolina. There was Wayne
10 Q. When did you apply to medical school?	10 State University, there was Wake Forest, Northwestern
11 A. It was 2002, the end of 2002.	11 University. That is all I can remember at the moment.
12 Q. So while you were still in college?	12 Q. Any others in New England?
13 A. Yes.	13 A. I don't believe I applied to Brown. I don't
14 Q. And did you apply to go directly from college	14 think so.
15 to medical school?	15 Q. Connecticut, Maine, New Hampshire?
16 A. No, I took a year off.	16 A. I don't remember if I -- I was considering
17 Q. Intentionally or by choice?	17 Yale's medical school and there was another university
18 A. By choice.	18 there as well that I was considering applying to, but
19 Q. And what year was that that you took off?	19 I decided to not apply to the larger ivy league higher
20 A. Between 2003 and fall of 2004.	20 up names to limit myself to the lower ones where I
21 Q. So what would be the academic year -- 2003-2004	21 thought I had a chance.
22 academic year?	22 Q. Okay. How about in the south? Any of the
23 A. I think it was 2003. It was about one	23 southern states, Florida, Georgia any of those?
24 semester. It was a spring semester and a summer that	24 A. I don't believe so.

5 (Pages 14 to 17)

Maria Mahmood

Page 18	Page 20
<p>1 Q. Okay. Of the medical schools that you 2 mentioned, which ones were you accepted in? 3 A. I had interviews at Wayne State and West 4 Virginia as well as University of Illinois and there 5 was one other. It was in Virginia. 6 Q. Did you apply to any schools -- I'm sorry. Had 7 you finished? 8 A. Yeah. I honestly don't remember which ones. 9 Those were the -- the ones that I mentioned that I had 10 interviews at, those were the places that were 11 considering given me admission. 12 Q. Okay. Did you apply to any of the medical 13 schools in the Caribbean? 14 A. No. 15 Q. You did not apply? 16 A. No. 17 Q. And were you accepted at any other medical 18 school other than the University of Illinois in 19 Chicago? 20 A. The University of Illinois in Chicago was the 21 first to accept me, and I particularly liked their 22 program because it was an intercity university and by 23 about -- I received the acceptance letter in December. 24 And I was happy with it, so I took it.</p>	<p>1 Q. Why? 2 A. Medical reasons. 3 Q. What medical reasons? 4 A. Are they pertinent to this deposition? 5 MR. REIL: You have to answer that. 6 THE WITNESS: Okay. I was beginning to 7 feel depressed. 8 BY MR. SACKS: 9 Q. Okay. What part of the year did you take off 10 from school? 11 A. I don't recall. I honestly don't recall. 12 Q. Did you arrange through school to take a leave of absence? 13 A. I don't think it was -- it wasn't 14 administrative. It was during the first year, I had a 15 lot of difficulties with some of the laboratory exam 16 -- laboratory classes because of my visual impairment, 17 and the school hadn't provided me, you know, with full 18 accommodations. I had double time on exams but not on 19 the laboratory portions of courses. And competing 20 with the other students I felt that I was falling 21 farther and farther behind because of it. It actually 22 caused me to take remedial courses during the summer. 23 I did not actually pass one of the final remedial</p>
Page 19	Page 21
<p>1 Q. So at Wayne State and at West Virginia, were 2 you refused? Were you denied or did you withdraw your 3 application? 4 A. I believe I withdrew my application at that 5 point. Once you accept -- once you commit to 6 accepting one university, your application is 7 automatically withdrawn from the others. 8 Q. Okay. So you enrolled at medical school in the 9 autumn of 2004; is that right? 10 A. Yes. 11 Q. And you attended during which years? 12 A. 2004 to two thousand -- technically, I guess 13 it was 2010 or '11 -- '11. 14 Q. Let me break that down a little bit. During 15 the 2004-2005 academic year -- 16 A. Mm-hmm. 17 Q. -- did you attend for that full academic year? 18 A. Yes. 19 Q. And during the 2005-06 academic year, did you 20 attend for that entire year? 21 A. Not fully. 22 Q. And what happened during that year? 23 A. I had to -- I took some -- I took a leave of absence, I think.</p>	<p>1 course that was required for the first year. And I 2 was forced to retake that during the 2005 and '06 3 academic year. 4 Q. What course was that? 5 A. I believe it was -- it was either histology or 6 physiology. I don't recall. 7 Q. So either in histology or physiology you failed 8 in the first year? 9 A. Mm-hmm. 10 Q. Was that a full-year course or a one semester 11 course? 12 A. I believe it was a one semester course. 13 Q. Okay. And so you took a makeup course in the 14 summer, and you did not pass that either; is that 15 correct? 16 A. Yes. 17 Q. And what was the policy of the school at that 18 point? What were your options? 19 A. To redo that course or redo the entire year 20 over again. 21 Q. Okay. So after you had not passed it in the 22 summertime, you had the option of redoing it again? 23 A. Mm-hmm. 24 Q. And did you enroll in it in the second year?</p>

Maria Mahmood

Page 22	Page 24
<p>1 A. Yes.</p> <p>2 Q. And did you pass it?</p> <p>3 A. Yes.</p> <p>4 Q. So in a sense you passed it on the third try?</p> <p>5 A. Mm-hmm.</p> <p>6 Q. So when did your medical leave of absence take place?</p> <p>7 A. Well, considering that that was the only course</p> <p>8 that I was allowed to take during 2005 to '06 so....</p> <p>9 Q. So at that point you were only permitted to</p> <p>10 take the one course?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you took it, and you passed it, and</p> <p>13 that's right?</p> <p>14 A. Yes.</p> <p>15 Q. And was that in the fall of that 2005-2006</p> <p>16 academic year?</p> <p>17 A. Think so.</p> <p>18 Q. Okay. And was your medical leave of absence</p> <p>19 after that?</p> <p>20 A. I mean, the course was an extended course. I</p> <p>21 was there for the lab portions. And I -- you know,</p> <p>22 for lecture courses, a lot of the times when, you</p> <p>23 know, when I didn't need to be there, when I knew the</p>	<p>1 You didn't see a psychiatrist. You didn't see a</p> <p>2 psychologist or any kind of therapist?</p> <p>3 A. Not during that time.</p> <p>4 Q. During that time you did not?</p> <p>5 A. I did not.</p> <p>6 Q. Did you consult with a medical doctor, for</p> <p>7 example, for some kind of antidepressant drugs?</p> <p>8 A. Not during that time.</p> <p>9 Q. What were you doing to get better?</p> <p>10 A. Spending time with family.</p> <p>11 Q. Okay. When did you go back to school?</p> <p>12 A. The following year, which was a full year.</p> <p>13 Q. So that would be the 2006-2007 academic year?</p> <p>14 A. Mm-hmm.</p> <p>15 Q. And did you complete a full year that year?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And did you pass all your courses that</p> <p>18 year?</p> <p>19 A. Yes.</p> <p>20 Q. At that point you had completed two years of</p> <p>21 medical school?</p> <p>22 A. Yes.</p> <p>23 Q. And in that first two years of medical school,</p> <p>24 did you only fail the one class that you'd already</p>
Page 23	Page 25
<p>1 course material, I would go back home and spend a</p> <p>2 month home and then come back for the exams or</p> <p>3 specific lectures that I wanted to attend.</p> <p>4 So it was -- it's -- medical school</p> <p>5 isn't, you know, they don't really, you know, put</p> <p>6 courses in semester systems. It's like the entire</p> <p>7 year -- a course may be heavy in the first part and</p> <p>8 then a little lighter and then a little heavier and</p> <p>9 then a little lighter so, it's complicated.</p> <p>10 Q. So I'm trying to get a better fix on the</p> <p>11 medical leave of absence. Was that during that second</p> <p>12 year?</p> <p>13 A. Yes.</p> <p>14 Q. And were you hospitalized?</p> <p>15 A. No.</p> <p>16 Q. Did you see a psychiatrist?</p> <p>17 A. No.</p> <p>18 Q. Did you see any kind of therapist?</p> <p>19 A. Not during that -- not during that year.</p> <p>20 Q. Were you at home in Maryland for that period of</p> <p>21 time that you would call your medical leave of</p> <p>22 absence?</p> <p>23 A. Yes.</p> <p>24 Q. I may have asked this, but I want to be clear.</p>	<p>1 mentioned?</p> <p>2 A. Yes.</p> <p>3 Q. And all the others you did well enough to move</p> <p>4 ahead?</p> <p>5 A. Yes.</p> <p>6 Q. Did you get letter grades in medical school?</p> <p>7 A. No.</p> <p>8 Q. How did they grade?</p> <p>9 A. It's based on a pass/fail system. They set --</p> <p>10 they consider the -- they consider the past years --</p> <p>11 past class performance on a specific exam. They --</p> <p>12 it's like a statistical analysis where they take, say,</p> <p>13 about the majority of the class passed. They consider</p> <p>14 that to be a passing point. So say about you need 52</p> <p>15 points out of 100 to get a passing grade. And then</p> <p>16 the -- beyond that if you get say about -- about like</p> <p>17 95, 95 points out of a 100, that's a high honors.</p> <p>18 Q. So there is high honors --</p> <p>19 A. There is pass, and then there is fail.</p> <p>20 Q. So it's high honors, pass or fail?</p> <p>21 A. Yes.</p> <p>22 Q. That's the system?</p> <p>23 A. Yes.</p> <p>24 Q. And did you achieve all passing grades during</p>

7 (Pages 22 to 25)

Maria Mahmood

Page 26	Page 28
1 that year? 2 A. Yes. 3 Q. How about during the third year -- or the year 4 that -- the academic year 2007 to 2008. What happened 5 during that year? 6 A. I began the clinical rotations -- clinical 7 clerkships portion of medical school. 8 Q. Okay. And did you complete the usual number of 9 clerkships during that academic year? 10 A. So again, for medical school -- for 11 specifically the clinical rotations, each rotation -- 12 there are a handful of rotations that are called core 13 rotations, which are required of every student. These 14 are surgery, internal medicine, obstetrics/gynecology, 15 family medicine, psychiatry, and there is a sixth -- 16 I'm blanking on the name. 17 Q. Okay. Pediatrics? 18 A. Yes. Pediatrics. Pediatrics. Each of these 19 core rotations have different time spans, so surgery 20 is eight weeks. OB/GYN is 6 weeks, I believe. 21 Internal medicine is 12 weeks. There are different 22 time lengths. 23 Q. Okay. 24 A. And depending on which site we prefer -- and	1 what I consider to be the subject matter of the 2 court's order for the deposition. 3 MR. SACKS: But my understanding, Bill, 4 is that -- I mean, this is our chance to take a 5 deposition. There are limited issues left in the 6 case. However, if we file a motion for summary 7 judgment and we don't prevail on a motion for summary 8 judgment, presumably there would be a trial. And this 9 is our chance to take a deposition. So that obviously 10 discovery is a little bit wider than -- the scope of 11 discovery is wider than the limited scope of the 12 judge's order so that's the purpose. 13 MR. REIL: Well, my position is that 14 the scope of discovery is not wider than, you know, 15 than what's in the court's order. We differ on that. 16 MR. SACKS: Okay. 17 BY MR. SACKS: 18 Q. So Ms. Mahmood, I had asked you ordinarily do 19 students complete those six core rotations in the 20 third year? 21 A. Not necessarily. 22 Q. Not necessarily. Okay. And in the third 23 year -- in the year 2007 to 2008, did you complete a 24 series of rotations?
Page 27	Page 29
1 then we put that into a lottery and then, you know, 2 it's randomly -- you know, we get assigned according 3 to our preferences compared to what's available by the 4 time our number is called. 5 Q. Okay. So do -- 6 A. My -- 7 Q. Go ahead. 8 A. So my point is that there you may have -- you 9 may begin a rotation but then you may have a small 10 amount of time where you have nothing to do or you 11 have other rotations assigned, if you fulfill the 12 requirements for other rotations -- the elective 13 rotations, so it's not.... 14 Q. Are students at your medical school required to 15 do those six core rotations during the third year? 16 MR. REIL: Let me interpose a 17 continuing objection. My understanding is that the 18 judge's order is supposed to limit this deposition to 19 the events of August 8, 2011, and we've yet to talk 20 about them. So my understanding is that this is 21 supposed to be a limited deposition, limited to that 22 particular day, and I'm going to ask for continuing 23 objection. Of course, I'm not going to instruct her 24 not the answer, but I know that we've yet to get to	1 A. Yes. 2 Q. And were there any rotations that you did not 3 pass? 4 A. I passed the clinical portions of -- I don't 5 recall exactly which ones -- which rotations I 6 proceeded with at what time. I don't remember my 7 schedule anymore so.... 8 Q. Did you attend clinical rotations throughout 9 the academic year of 2007-2008? 10 A. I took a medical leave of absence during that 11 time -- during sometime that year for approximately 12 three months. And this was -- it's in the 13 administrative record. 14 Q. Okay. And was that medical leave of absence 15 also related to depression? 16 A. Yes. 17 Q. And did you return to the university during 18 the 2008-2009 academic year? 19 A. Yes. 20 Q. And did you attend rotations during that year? 21 A. Yes. 22 Q. Did you have any leaves of absence during that 23 year? 24 A. Yes.

8 (Pages 26 to 29)

Maria Mahmood

Page 30	Page 32
<p>1 Q. Again, a medical leave of absence for 2 depression?</p> <p>3 A. Yes.</p> <p>4 Q. During the 2009-2010 year, did you attend the 5 university?</p> <p>6 A. I don't recall exactly, but I believe during 7 the beginning of that year, I did. And it was one of 8 my last elective requirements.</p> <p>9 Q. Okay. Did you complete all your course and 10 elective requirements at the University of Chicago, 11 Illinois -- University of Illinois in Chicago while in 12 Chicago? Did you complete all of your electives and 13 coursework in Chicago?</p> <p>14 A. Yes.</p> <p>15 Q. And have you completed all of the academic 16 requirements for medical school?</p> <p>17 A. Yes.</p> <p>18 Q. And when did you complete that?</p> <p>19 A. I don't recall the exact date, honestly.</p> <p>20 Q. Well, if right now we're in late 2012, and the 21 events that we are here today to talk about occurred 22 in August of 2011 --</p> <p>23 A. Mm-hmm.</p> <p>24 Q. -- using those dates as a frame of reference,</p>	<p>1 of those?</p> <p>2 A. Yeah, I think so, yeah.</p> <p>3 MR. REIL: We don't want you to guess.</p> <p>4 Do you know so?</p> <p>5 THE WITNESS: I'm not a hundred percent 6 sure.</p> <p>7 BY MR. SACKS:</p> <p>8 Q. What is your current status at the University 9 of Chicago -- the University of Illinois in Chicago 10 medical school?</p> <p>11 A. I am not currently a student at the university.</p> <p>12 Q. Could you be a little bit more specific? I 13 understand that you're not currently enrolled. Has 14 there been any determination by the school as to your 15 status?</p> <p>16 A. Yes. So I went because of -- because of the 17 NBME's three-year ban with respect to irregular 18 behavior, I am no longer within the seven-year time 19 span. I would have far -- I would have gone far 20 beyond the seven-year time span. Therefore, I was 21 actually given a dismissal for that reason.</p> <p>22 Q. And when was that?</p> <p>23 A. There were quite a few committee meetings, and 24 I went through the appeals process as well. And I</p>
<p style="text-align: center;">Page 31</p> <p>1 can you tell me when the last time was that you were 2 attending courses or electives in Chicago?</p> <p>3 A. I believe it was 2010, late 2010. I'm not 4 entirely sure.</p> <p>5 Q. Now, when you finished all those requirements 6 at the university, what else did you have to do to get 7 your degree?</p> <p>8 A. Take -- sit for, and pass the Step 2 CK and CS, 9 clinical knowledge and clinical skills.</p> <p>10 Q. So does your school -- does the University of 11 Illinois in Chicago require taking those exams and 12 passing them?</p> <p>13 A. Yes.</p> <p>14 Q. And do they give you a certain amount of time 15 to do that or a certain amount of -- certain number of 16 attempts? How does that work?</p> <p>17 A. It's the total amount of time that a medical 18 student has to finish all requirements for graduating 19 medical school and getting a medical degree, an M.D., 19 20 is seven years, beginning to end, which includes 21 medical leaves of absence and everything in between.</p> <p>22 The number of tries for Step 2 -- for the Step 2 exams 23 is, I believe, three.</p> <p>24 Q. You're allowed to try three times on each one</p>	<p style="text-align: center;">Page 33</p> <p>1 believe the final decision was sent in August of this 2 year.</p> <p>3 Q. Did you appeal as far as you could? Did you 4 take it as far as you could in terms of appeals?</p> <p>5 A. Yes.</p> <p>6 Q. And there was a final determination from the 7 medical school that you were dismissed?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know what your class rank was in the 10 medical school?</p> <p>11 A. No.</p> <p>12 Q. Is there such a thing?</p> <p>13 A. I believe there is but --</p> <p>14 Q. You have no idea?</p> <p>15 A. -- I don't know.</p> <p>16 Q. Over the course of all the years that you were 17 there, did you repeat any courses other than the one 18 you mentioned earlier, histology or physiology?</p> <p>19 A. No. Not any lecture courses.</p> <p>20 Q. You passed each one?</p> <p>21 A. Yes.</p> <p>22 Q. What is your intended practice area?</p> <p>23 A. I would like to go into internal medical, and 24 perhaps, if I am lucky, I will be able to get a</p>

Maria Mahmood

Page 34	Page 36
1 fellowship in critical care. 2 Q. Were you ever placed on probation for academic 3 reasons by your medical school? 4 A. During that -- the one course that I had to 5 repeat, that's considered academic probation. 6 Q. Okay. And at any other time? 7 A. Not that I know of. 8 Q. Okay. Have you filed any kind of claims or 9 lawsuits or grievances against the University of 10 Illinois, Chicago Medical School? 11 A. I have a grievance with them concerning -- yes. 12 I guess so. I have a grievance. 13 Q. And what is the grievance? 14 A. I have a grievance concerning the final 15 decision for -- of dismissal, which is ongoing. 16 Q. And is that an internal process? In other 17 words, is that something that you file within the 18 medical school? 19 A. Yes. 20 Q. And are you represented by counsel in that? 21 A. No. 22 MRS. MAHMOOD: Yes. 23 MR. REIL: You can't interpose. 24 MR. SACKS: Excuse me.	1 answer, I'm not necessarily agreeing that that's 2 pertinent to the grounds for this issue. 3 MR. SACKS: I understand. That's fine. 4 BY MR. SACKS: 5 Q. Are you asserting within the University system 6 that you've been discriminated against on the basis of 7 a disability? What are the grounds -- what kind of 8 discrimination are you talking about? 9 A. I would have to consult the paperwork again. 10 It's a slow process, and as I said before, I'm 11 allowing my parents to handle the majority of the 12 work. 13 Q. Do you know if you filed any kind of case in 14 any administrative agency outside of the school such 15 as the Equal Employment Opportunity Commission or a 16 Human Relations Commission or some such agency of a 17 government? 18 A. No. 19 Q. No, you don't believe that that's been done? 20 A. No. 21 Q. During your time at medical school did you fail 22 or have to repeat any laboratory courses? 23 A. Yes. 24 Q. Okay. And what were those?
Page 35	Page 37
1 THE WITNESS: I'm not handling that 2 directly. Therefore, in order to fully answer that 3 question, I would have to ask my parents. 4 BY MR. SACKS: 5 Q. What is your understanding of the status of 6 that grievance? 7 A. It's ongoing. 8 Q. Did you personally complete paperwork for that 9 grievance? 10 A. Yes. 11 Q. Did you handwrite something to submit to the 12 university or type something? 13 A. I typed something up. 14 Q. And what are the grounds for that grievance? 15 A. That I believe -- well, is that pertinent to 16 this deposition? 17 Q. Yes, let's just say it is. 18 MR. REIL: You have to answer that. 19 THE WITNESS: I don't recall what was 20 finally settled on, but I believe that it was 21 something along the lines of being discriminated 22 against. 23 MR. REIL: I just want to make a 24 statement for the record. In directing the witness to	1 A. The courses that I had to take remedial -- 2 summer remedial courses for were histology, and gross 3 anatomy. 4 Q. Just those two? 5 A. Those two were laboratory courses, yes, I 6 believe. 7 Q. Other than the grievance that you just 8 mentioned and this lawsuit against the National Board, 9 have you ever been a party to any other lawsuit or 10 administrative claim or grievance? 11 A. No. 12 Q. Okay. Let's take five minutes. Okay? 13 A. Mm-hmm. 14 (A short break was taken.) 15 MR. REIL: I want to put a brief 16 statement on the record. The court's order of 17 October 31, 2012 says in Part 2: The parties shall 18 have a limited 30-day period of discovery regarding 19 the USMLE CK-2 incident. My understanding is that 20 that occurred on August 8, 2011, and the deposition 21 has been going on now for approximately an hour, and 22 we've haven't dealt with the events of that day. And 23 I would move to strike any deposition testimony that 24 doesn't conform to the court's order.

Maria Mahmood

Page 38	Page 40
<p>1 MR. SACKS: Okay. That's fine. We can 2 address that at a later time, if necessary.</p> <p>3 BY MR. SACKS:</p> <p>4 Q. Miss Mahmood, just to finish up what we've 5 covered so far. What is the total amount of time out 6 of the seven-year period that was spent on medical 7 leave of absence? You mentioned three. Did we get - 8 first of all, did we get all three? I mean, are those 9 all of the medical leaves of absence that you took?</p> <p>10 A. I believe so.</p> <p>11 Q. Okay. And what's the total amount of time? 12 What is the total amount of time that you were on 13 medical leave of absence and unable to attend school 14 or participate in clinical rotations?</p> <p>15 A. I believe the total amount was approximately 16 nine months. I'm not entirely sure about that number 17 but, I think that was....</p> <p>18 MR. REIL: Now wait for a question.</p> <p>19 BY MR. SACKS:</p> <p>20 Q. I want to show you an exhibit.</p> <p>21 MR. SACKS: Why don't we mark this as 22 Number 1.</p> <p>23 ---</p> <p>24 (Exhibit Mahmood 1, UIC transcript, 3</p>	<p>1 Q. Okay.</p> <p>2 A. The first --</p> <p>3 Q. What was the first USMLE that you took?</p> <p>4 MR. REIL: Same objection.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: The first USMLE that I 7 take is the same as what all other medical students 8 take, which is the USMLE Step 1 exam.</p> <p>9 MR. SACKS: Let's mark this as Number 10 2.</p> <p>11 ---</p> <p>12 (Exhibit Mahmood 2, USMLE Applicant's 13 Request for Test Accommodations, 4 pages, was marked 14 for identification.)</p> <p>15 ---</p> <p>16 BY MR. SACKS:</p> <p>17 Q. This is Number 2. Take a look at that, please.</p> <p>18 A. Okay.</p> <p>19 Q. Okay. Is this the form on which you requested 20 accommodations for a disability from the USMLE for the 21 first time?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And on the last page, it's dated 24 March 15, 2007. And that's your signature?</p>
Page 39	Page 41
<p>1 pages, was marked for identification.)</p> <p>2 ---</p> <p>3 BY MR. SACKS:</p> <p>4 Q. This is something that was attached to, I 5 think, the amended complaint. I'm not a hundred 6 percent sure if it was attached to one of your 7 submissions.</p> <p>8 So here's a copy for you to take a look 9 at. And this appears to be a transcript. There are 10 three pages. The first two pages appear to be a 11 transcript from the University of Illinois at Chicago 12 College of Medicine. And I want to ask you if, to 13 your knowledge, this is your complete transcript? 14 Understanding that it's not an official transcript.</p> <p>15 A. Let me just go over it. I believe so. I 16 believe this is an unofficial transcript.</p> <p>17 Q. Okay. And are the medical leaves of absence 18 reflected on the transcript?</p> <p>19 A. Let me check. They aren't recorded as medical 20 leaves of absence, no. There is no official record.</p> <p>21 Q. Okay. Now, am I correct that you have taken 22 USMLE exams since 2007?</p> <p>23 A. I think so. Depending -- I'd have to check my 24 records specifically, but I believe that's accurate.</p>	<p>1 A. Yes.</p> <p>2 Q. And there is a stamp that shows received on 3 April 24, 2007. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And on the second page, if you can take a look 6 at Number 10, you see the paragraph that's numbered 7 10?</p> <p>8 A. Yes.</p> <p>9 Q. And am I correct that the accommodations you 10 requested are double time and a paper exam and 11 permission to bring your monocular into the testing 12 room; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Let's take a look at the -- actually, let me 15 ask you a question. Do you recall whether the first 16 time you applied for or requested accommodations from 17 the USMLE, you were required to provide additional 18 information from your ophthalmologist?</p> <p>19 A. Yes.</p> <p>20 Q. Yes, you recall or yes, that's correct?</p> <p>21 A. The additional information, as the form 22 suggests, is a requirement.</p> <p>23 Q. Okay.</p> <p>24 A. So I must provide it.</p>

Maria Mahmood

Page 42	Page 44
1 Q. And so you did provide that?	1 A. My point is the center -- the place where I
2 A. Yes.	2 registered for the exam and had a seat for the exam
3 MR. SACKS: Let's mark this please.	3 for the Step 1, they did not have the LCD monitor with
4 ---	4 the zoom text.
5 (Exhibit Mahmood 3, Confirmation of	5 Q. Okay.
6 Test Accommodations letter dated June 6, 2007, 2 pages	6 A. So I had to rewrite -- re -- I guess reregister
7 was marked for identification.)	7 for another seat for -- in another center.
8 ---	8 Q. Okay. And did you pass the Step 1 exam?
9 MR. REIL: This is Mahmood 3?	9 A. Yes.
10 MR. SACKS: Right.	10 MR. REIL: I want to put a objection on
11 THE WITNESS: Okay.	11 the record. I remember receiving Mahmood 1, the
12 BY MR. SACKS:	12 transcript. As a matter of fact, I think I supplied
13 Q. Okay. Mahmood 3 appears to be a letter dated	13 that. That was my exhibit. I may be mistaken, these
14 June 6, 2007 from the National Board of Medical	14 may have been attached to a motion, but I don't
15 Examiners, an individual there named Dr. Catherine	15 recognize Mahmood 2 and 3.
16 Farmer, correct?	16 MR. SACKS: I'm not sure that if they
17 A. Mm-hmm.	17 were attached to a motion or not, and there hasn't
18 Q. And is it your understanding that this was the	18 been -- ever been a request for these. So here they
19 document that was granting your request for	19 are.
20 accommodations?	20 MR. REIL: Well, I think there are
21 A. I believe so, but since I didn't, you know,	21 mandatory disclosures under the federal rules. And on
22 this is not a document that I generated, so why would	22 that basis and on the previous basis that they don't
23 I need to.	23 deal with the date in question, I'm going to object to
24 Q. Okay. Do you recall receiving this document?	24 them.
Page 43	Page 45
1 A. It was a long time ago, no, I do not.	1 MR. SACKS: Okay.
2 Q. Do you recall that the National Board of	2 BY MR. SACKS:
3 Medical Examiners granted your request for	3 Q. Ms. Mahmood, after the Step 1 exam, is it fair
4 accommodations for the Step 1 exam?	4 to say that you requested the same accommodations on
5 A. Yes.	5 future exams?
6 Q. Okay. And what is indicated here -- and I want	6 A. Yes.
7 to ask you if you agree that you got those	7 Q. For the CK type exam?
8 accommodations? What's indicated here is that they	8 A. Yes.
9 agreed -- that the NBME agreed that you could have	9 Q. As opposed to the skills exam, where you're
10 double time.	10 examining someone?
11 A. Yes.	11 A. Yes.
12 Q. Is that correct? And to use your monocular,	12 Q. Okay. And am I correct that there is a form
13 correct?	13 that you would fill out to -- that is called
14 A. Yes.	14 Requesting Subsequent Test Accommodations, which
15 Q. Ask to use an LCD monitor with zoom text; is	15 indicates that you've received certain accommodations
16 that right?	16 and you want the same accommodations next time?
17 A. Yes.	17 A. Yes.
18 Q. Okay. And are those the accommodations that	18 Q. Okay.
19 you received and used for the Step 1 exam?	19 MR. SACKS: Why don't we mark these as
20 A. Not the first time that I attempted the exam.	20 Mahmood 4.
21 Q. Okay. What is different? What did you use for	21 ---
22 accommodations the first time you did the Step 1 exam?	22 (Exhibit Mahmood 4, USMLE Form for
23 A. These particular accommodations.	23 Requesting Subsequent Test Accommodations, 1 page, was
24 Q. Okay. I'm not understanding your point then.	24 marked for identification.)

Maria Mahmood

Page 46	Page 48
1 ---	1 additional time that you sought to take the USMLE Step
2 MR. REIL: Again, I request a	2 CK, you submitted a form asking for the same
3 continuing objection.	3 accommodations, and the NBME responded that they would
4 MR. SACKS: Okay.	4 provide those accommodations?
5 BY MR. SACKS:	5 A. I would say that they -- each time that I
6 Q. Is Mahmood 4 -- I'm sorry, Miss Mahmood. I	6 registered for the exam, I did submit a form similar
7 thought you were finished.	7 to -- similar to -- similar to -- whichever one this
8 A. Okay.	8 is -- Form for Requesting Subsequent Testing
9 Q. Is Mahmood 4 an example of that type of form by	9 Accommodations for Step 1 and Step 2 CK. And the NBME
10 which you would request the same accommodations?	10 sent me a letter similar to this one.
11 A. Yes. To the best of my knowledge, I think it	11 Q. Indicating Mahmood Number 5?
12 is.	12 A. Yes. That I was -- that I was approved for
13 Q. And Mahmood Number 4 is dated by you April 4,	13 these accommodations.
14 2008?	14 Q. Okay. In any of these requests for
15 A. Yes.	15 accommodations for Step 2 CK, did you request a
16 Q. And it was for accommodations for Step 2 CK; is	16 private testing room?
17 that right?	17 A. I did actually request a private testing room,
18 A. Yes.	18 but I didn't have any -- considering my disability, I
19 Q. Okay.	19 didn't have like a -- I didn't see a valid claim for
20 MR. SACKS: And let's mark this one.	20 it. Despite the fact that they -- let's see. What
21 ---	21 I'm trying to say is that that's Prometric's job --
22 (Exhibit Mahmood 5, Confirmation of	22 Prometric, the testing center's job to provide these
23 Test Accommodations letter dated May 6, 2008, 2 pages,	23 accommodations -- provide a testing environment -- I
24 was marked for identification.)	24 should say, that's reasonable for taking the exam.
Page 47	Page 49
1 ---	1 And all, you know, that's -- I didn't feel that I
2 MR. REIL: 5?	2 needed to ask for a separate room.
3 MR. SACKS: Yes.	3 Q. Let me try to break that down a little bit. In
4 THE WITNESS: Okay.	4 any of the requests that you made in writing to the
5 BY MR. SACKS:	5 NBME for accommodations for the Step 1 or Step 2 CK,
6 Q. And is Mahmood 5 a letter from Dr. Farmer	6 did you request private testing room?
7 indicating that the NBME would provide you with the	7 A. I don't recall if I did. I have had a lot of
8 accommodations you requested namely, double time, use	8 correspondence with the NBME, and I don't remember
9 of your monocular, an enlarged LCD monitor with zoom	9 every single instance of it.
10 text?	10 Q. Did the NBME ever deny you an accommodation --
11 A. Yes. But again, I would like to note that I	11 ever deny you a request for a private testing room?
12 didn't generate that document so.	12 A. I think there might have been an incident, but
13 Q. And did you -- this was -- Mahmood 5 is dated	13 it was -- I don't -- it was more email correspondence,
14 May 6, 2008?	14 I think. I don't remember.
15 A. Yes.	15 Q. Well, I asked you a few moments ago if on each
16 Q. And it's for the USMLE Step 2 CK, correct?	16 subsequent instance in which you registered for the
17 A. Yes.	17 USMLE Step 2 CK, you requested the same accommodations
18 Q. And did you receive those accommodations?	18 as you had had previously. And I thought your answer
19 MR. REIL: On that date?	19 to that was, yes?
20 BY MR. SACKS:	20 A. For filling out the forms, yes. But then the
21 Q. For whenever you tested -- after close in time	21 way that the NBME goes through these things is that
22 to May 6, 2008.	22 they assign you a case manager, of sorts, and they
23 A. I don't recall. I honestly don't recall.	23 help you get through the process as well.
24 Q. Is it fair to say that you -- for each	24 Q. Do you have any writing -- any document or

Maria Mahmood

Page 50	Page 52
<p>1 writing in which you requested a private testing room 2 for USMLE Step 2 CK?</p> <p>3 A. I would have to recheck my documents in order 4 to verify that.</p> <p>5 Q. Are you testifying under oath today that the 6 NBME denied a request to you that is not reflected in 7 these documents in which you requested the same 8 accommodations and they provided the same 9 accommodations?</p> <p>10 A. Well, they did -- they -- as the document 11 suggests, that I was not provided with a paper exam. 12 So they did actually deny that. But according to the 13 official documentation that I provided thus far, I 14 don't believe that I specifically asked for a separate 15 testing area.</p> <p>16 Q. Okay. And the question that I asked you about 17 requesting the same accommodations for each subsequent 18 time that you took the USMLE Step 2 CK or registered 19 for it, that continues -- that question continued up 20 until August 2012 -- 2011. So I want to be clear. 21 Let me try asking that one again.</p> <p>22 A. Mm-hmm.</p> <p>23 Q. For the testing in August of 2011, and for the 24 USMLE Step 2 CK --</p>	<p>1 understanding.</p> <p>2 MR. REIL: You're asking about it?</p> <p>3 MR. SACKS: Yeah.</p> <p>4 THE WITNESS: Okay.</p> <p>5 BY MR. SACKS:</p> <p>6 Q. So Mahmood Number 6, is that your signature on 7 the signature line?</p> <p>8 A. Yes.</p> <p>9 Q. And the date on that is April 29, 2011; is that 10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And this refers to the exam of Step 2 CK; is 13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. And at the top you checked off, "I have 16 received test accommodations for a prior USMLE Step 17 and am requesting the previously provided 18 accommodations for the Step noted below;" is that 19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And take a look at this one, please.</p> <p>22 ---</p> <p>23 (Exhibit Mahmood 7, NBME letter dated 24 May 5, 2011, 1 page, was marked for identification.)</p>
Page 51	Page 53
<p>1 A. Mm-hmm.</p> <p>2 Q. -- did you request the same accommodations that 3 you had had previously?</p> <p>4 A. Yes.</p> <p>5 Q. And did the NBME grant the same accommodations 6 that they had granted previously based on your 7 request?</p> <p>8 A. The NBME provided me a letter approving those 9 same accommodations.</p> <p>10 Q. Okay. So I'm going to show you the same type 11 of documents for what I think is that test in August 12 of 2011 and see if you can identify those.</p> <p>13 A. Okay.</p> <p>14 MR. SACKS: This one would be Mahmood 15 Number 6.</p> <p>16 ---</p> <p>17 (Exhibit Mahmood 6, USMLE Form for 18 Requesting Subsequent Test Accommodations, 1 page, was 19 marked for identification.)</p> <p>20 ---</p> <p>21 MR. REIL: Let me say, Counsel, that 22 test in 2011 are you talking about August 8th?</p> <p>23 MR. SACKS: Yes. But I'm asking. I'm 24 not testifying. So I'm going to ask. But that's my</p>	<p>1 ---</p> <p>2 THE WITNESS: Okay.</p> <p>3 BY MR. SACKS:</p> <p>4 Q. And am I correct that this is a correspondence 5 from the NBME to you acknowledging that you had 6 requested accommodations for the Step 2 CK; is that 7 right?</p> <p>8 A. It appears so.</p> <p>9 Q. Okay.</p> <p>10 ---</p> <p>11 (Exhibit Mahmood 8, NBME Confirmation 12 of Test Accommodations letter dated May 16, 2011, 2 13 pages, was marked for identification.)</p> <p>14 ---</p> <p>15 BY MR. SACKS:</p> <p>16 Q. And please take a look at Mahmood Number 8 that 17 I just handed to you.</p> <p>18 A. Okay.</p> <p>19 Q. Okay. So to the best of your knowledge, 20 Ms. Mahmood, is this the confirmation of test 21 accommodations that you received from NBME that 22 applied to your testing on August 8 of 2011?</p> <p>23 A. Let me check. I'm not sure if this specific 24 one is related to that, but it appears to be the same</p>

Maria Mahmood

Page 54	Page 56
<p>1 type of letter.</p> <p>2 Q. Well, this one is dated May 16, 2011.</p> <p>3 A. Yes.</p> <p>4 Q. Do you know if you applied again after May 16,</p> <p>5 2011 and before August?</p> <p>6 A. No, no to my knowledge.</p> <p>7 Q. So this would be the final -- this would be the</p> <p>8 confirmation of the accommodations for the date that</p> <p>9 we're talking about, which is August 8 of 2011?</p> <p>10 A. Yes.</p> <p>11 Q. And the accommodations that were accepted or</p> <p>12 that NBME agreed to provide were again, double time,</p> <p>13 using the monocular, the enlarged monitor, and zoom</p> <p>14 text; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And you had not requested a private room for</p> <p>17 that day; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, your claim in this case as it has been</p> <p>20 limited by the Court, has to do with a claim that the</p> <p>21 NBME did not provide you with the proper</p> <p>22 accommodations on August 8, 2011, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And the accommodation that you're referring to</p>	<p>1 enlarged monitor?</p> <p>2 A. The enlarged monitor and zoom text.</p> <p>3 Q. Okay. Now, let's talk about exactly what did</p> <p>4 happen on August 8 of 2011.</p> <p>5 What time did you arrive at Prometric</p> <p>6 that day?</p> <p>7 A. I believe it was before 8:00 a.m.</p> <p>8 Q. Okay. And how did you get there?</p> <p>9 A. My father drove me.</p> <p>10 Q. Had you been at that testing center before?</p> <p>11 A. No.</p> <p>12 Q. That was the first time at that center?</p> <p>13 A. Yes.</p> <p>14 Q. Had you tested at other Prometric centers in</p> <p>15 other parts of Maryland?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What were you wearing that day?</p> <p>18 MR. REIL: Objection, relevance.</p> <p>19 Objection to the form of the question.</p> <p>20 BY MR. SACKS:</p> <p>21 Q. I think it is relevant so --</p> <p>22 MR. REIL: I'm not going to instruct</p> <p>23 her not to answer.</p> <p>24 MR. SACKS: Okay.</p>
<p>Page 55</p> <p>1 specifically relates to the enlarged monitor; is that</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. So we're not talking about zoom text, right?</p> <p>5 A. Well, the enlarged monitor is needed for zoom</p> <p>6 text.</p> <p>7 Q. Right. Okay. So the monitor and zoom text are</p> <p>8 together?</p> <p>9 A. Yes.</p> <p>10 Q. And you have no indication that the zoom text</p> <p>11 wasn't working that day; is that right?</p> <p>12 A. On which monitor? Be more specific.</p> <p>13 Q. You know what, let me withdraw that, and then</p> <p>14 I'll ask you some more questions. We'll get to that.</p> <p>15 A. Okay.</p> <p>16 Q. You were allowed to take your monocular into</p> <p>17 the testing area, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And in terms of double time, things happened so</p> <p>20 that the time never expired; is that right?</p> <p>21 A. Well, considering that each day is about nine</p> <p>22 hours of testing time and everything is inclusive, no,</p> <p>23 nine hours did not expire that day just then.</p> <p>24 Q. Right. So what we're talking about is the</p>	<p>Page 57</p> <p>1 THE WITNESS: Why is that relevant?</p> <p>2 MR. REIL: You have to answer that.</p> <p>3 MR. SACKS: You just need to answer and</p> <p>4 not ask questions.</p> <p>5 MR. REIL: If you recall, tell him him</p> <p>6 what you were wearing.</p> <p>7 THE WITNESS: I believe I was a shalwar</p> <p>8 kameez.</p> <p>9 BY MR. SACKS:</p> <p>10 Q. I'm sorry?</p> <p>11 A. It's a traditional dress, I suppose.</p> <p>12 Q. Okay.</p> <p>13 A. It's like -- you know what, honestly, if you</p> <p>14 google shalwar kameez, you'll find it. There are many</p> <p>15 examples online. The best way to explain it is baggy</p> <p>16 pants, really baggy, baggy pants and a shirt that's</p> <p>17 long, knee length shirt.</p> <p>18 Q. Okay. How about color? Do you recall it?</p> <p>19 MR. REIL: Same objection.</p> <p>20 THE WITNESS: I don't recall the color.</p> <p>21 BY MR. SACKS:</p> <p>22 Q. Okay. What did you bring with you that day in</p> <p>23 terms of bags?</p> <p>24 A. I had my purse, and I had a bag with food.</p>

Maria Mahmood

Page 58	Page 60
1 Q. Okay. And what -- based on your experience 2 before that day, what were you allowed to take into 3 the test area with you?	1 Q. So was there any registering to do at that 2 front desk area?
4 A. Only my monocular and maybe a pair of glasses.	3 A. Other than -- I think, other than saying that 4 I'm here for the Step 2 CK exam, I don't believe there 5 was.
5 Q. And describe the security procedures.	6 Q. So where does the actual registering for the 7 exam take place?
6 A. I -- there are -- there is fingerprinting 7 done -- a thumbprint, I believe or is it the index 8 finger? It's one or the other. There is a picture 9 taken, sort of a head shot. And there is -- for that 10 center, there was a security wand.	8 A. It's in a smaller -- like a smaller room 9 adjacent to the waiting area.
11 Q. Okay. Yeah, I was asking specifically about 12 your recollection of the security procedures that day?	10 Q. Okay. And what time did you go into that room?
13 A. Okay.	11 Actually, let me take it back a step.
14 Q. So is that an accurate answer then?	12 Did they call you into that room when they were ready 13 for you or did you say I'm ready to go in?
15 A. I think so.	14 A. They called me in.
16 Q. Okay.	15 Q. And do you know what time that was?
17 A. As far as I recall.	16 A. Approximately 9 o'clock, I believe.
18 Q. Okay. So you said you got there before 19 8 o'clock. Is that what you testified?	17 Q. Okay. So --
20 A. Yes.	18 A. I'm not entirely certain.
21 Q. So describe exactly what happened, step by 22 step.	19 Q. Did you wear a watch?
23 A. Okay. I arrived there well before 8:00, and I 24 introduced myself to the proctors. And they asked me	20 A. I don't wear a watch. I have my cell phone.
	21 Q. Okay.
	22 (A short break was taken.)
	23 BY MR. SACKS:
	24 Q. So Ms. Mahmood, we were starting to go through
Page 59	Page 61
1 to start the registration process to begin the exam. 2 I was then -- I put my things away in a -- like in the 3 testing center. And I was instructed to wait so I 4 waited in the general waiting area of the center.	1 the sequence of what happened that day. You testified 2 that you put your bags into a locker, that you let the 3 folks at the front desk know you were there.
5 Q. When you say you put your things away, do you 6 mean in a locker?	4 A. Mm-hmm.
7 A. Yes.	5 Q. And they asked you to take a seat in the 6 waiting area.
8 Q. And does each locker have a lock and a key?	7 A. Yes.
9 A. I think so.	8 Q. And we talked a little bit about the security 9 procedures. But what time did they actually call you 10 in to register?
10 Q. Did you take a key and put everything else in 11 the locker? What did you do?	11 A. I believe it was approximately 9 o'clock.
12 A. I didn't put everything else immediately. I 13 had my monocular and my glasses out. And I usually 14 don't lock my locker until right before the exam 15 so....	12 Q. Okay. And at that point, did you go through 13 security procedures?
16 Q. When you say -- did you say that they asked you 17 to wait in the waiting area?	14 A. Yes.
18 A. Yes.	15 Q. And what specifically did you do?
19 Q. And is the waiting area in the same area where 20 the lockers are?	16 A. I was fingerprinted, photo was taken, and the 17 security wand.
21 A. Yes. It's a large area with chairs, sort of a 22 front desk area and lockers.	18 Q. Okay. Like a metal detector type thing?
23 Q. Okay.	19 A. Yes. I think so.
24 A. As far as I recall.	20 Q. And was there any discussion with the proctor 21 or proctors about where you'd be sitting or what 22 accommodations you'd have, or anything like that?
	23 A. They said -- the proctor that was registering 24 me said -- pointed to the booth behind her and said

Maria Mahmood

Page 62	Page 64
1 that I would be sitting there. 2 Q. Okay. 3 A. And to put my belongings in that area. 4 Q. And was that a female or male proctor? 5 A. I think it was a female. I believe it was a 6 female. They kind of interchange. 7 Q. I didn't ask you this before, but how many 8 times had you taken the Step 2 CK before that date? 9 A. I don't remember the exact number, but at least 10 once before. 11 Q. Okay. Now, you said you went through the 12 registration process of signing in with the proctor 13 and the security, you had the thumb print and the 14 picture taken? 15 A. Mm-hmm. 16 Q. Did you go directly from there into the testing 17 area or did you do something else? 18 A. Well, there was some waiting involved, a little 19 bit more waiting and then I went into the booth to 20 start the exam. 21 Q. Okay. Did you use the bathroom before you went 22 into the booth for the testing? 23 A. I don't believe so. I don't think I did. 24 Q. So you went into the testing area, which was	1 you remember specifically what you did when you got 2 into the private testing area -- private testing room 3 on August 8, 2011. 4 A. That is what I did. 5 Q. Okay. So you adjusted the chair, adjusted the 6 monitor and -- 7 A. The keyboard and the mouse. 8 Q. And the keyboard went behind the monitor? And 9 the mouse to which side? 10 A. Right side. 11 Q. Okay. Now, did you start the tutorial? 12 A. Yes. 13 Q. And what happened next? 14 A. I put in my candidate information number. I 15 started, I began the tutorial I -- which involves 16 adjusting the levels and the headphones -- earphones 17 that -- for audio-visual questions, and I began the 18 tutorial. 19 Q. Okay. And how long does the tutorial normally 20 last? 21 A. I think it has a small number of questions, but 22 I don't recall exactly how long it lasts. 23 Q. Okay. How long did you work on the tutorial? 24 A. At least ten minutes, I would say.
Page 63	Page 65
1 the private room? 2 A. Yes. 3 Q. And did one of the proctors take you there and 4 set you up? 5 A. Yes. 6 Q. And was that the male or female proctor? 7 A. As I said before, they were kind of sharing 8 responsibilities. So I'm not a hundred percent which 9 one it was. 10 Q. Okay. 11 A. I honestly don't remember. 12 Q. What did you do once you got in there? 13 A. I sat, I adjusted the chair to my height and 14 the desk height -- I'm kind of short so I always have 15 to adjust the chair. I adjusted the monitor. I bring 16 it forward so I can see it. And I put the keyboard 17 behind it. And I reach around the monitor to type and 18 the mouse is on the side. So I just adjusted things 19 to my liking. 20 Q. Okay. So I was asking you specifically about 21 what you did on that occasion and your answer sounded 22 like what you typically do. So I want to just make 23 sure that we're clear that I'm not asking you your 24 usual routine or your usual practice. I'm asking if	1 Q. Okay. And what's the next thing that happened? 2 A. The proctor came in and asked me to finish up 3 as quickly as I could and, you know, step outside of 4 the booth. 5 Q. Okay. And did he say why he wanted you to step 6 outside the booth? 7 A. Not at that point, I don't think. 8 Q. Okay. Did you finish the tutorial and then 9 step out of the booth? 10 A. I finished most of the tutorial, but, you know, 11 the interruption kind of throws me off every time, so 12 I hurried through the questions and I left a few 13 behind, and then I stopped the exam and stepped out. 14 Q. Okay. And when you stepped out, what happened? 15 A. So I was asked to -- yeah, I think I was asked 16 to wait in the waiting area, and I would be seated at 17 another place. 18 Q. Okay. And was there any further conversation 19 between you and the proctor? 20 A. Not at that point. 21 Q. Did you ask the proctor why you were going to 22 be reseated? 23 A. A little bit later. 24 Q. Later meaning, five minutes, ten minutes, what?

Maria Mahmood

Page 66	Page 68
1 A. I think it was about ten minutes. I mean, it 2 was a little bit after. I waited for a few minutes 3 and maybe like ten, I think. 4 Q. Where? Where were you? 5 A. In the general testing area -- general waiting 6 area. 7 Q. Again, where the lockers are, that same room? 8 A. Yes. 9 Q. So up to that point, you had started the 10 tutorial, you worked on the tutorial, the proctor came 11 in and told you that when you fished up to come 12 outside? 13 A. Yes. 14 Q. And then when you did finish up, you went 15 outside and spoke to him, and he said he was going to 16 reseat you? 17 A. Yes. I didn't exactly finish up. I mean, the 18 time for the tutorial is included in the whole 19 nine-hour testing day so. 20 Q. Okay. And to that point that we've just talked 21 about, you didn't know why you were going to be 22 reseated? 23 A. No, no at that point. 24 Q. Up so that point had you visited the bathroom	1 Q. So do you have to check out before you sit in 2 the waiting area? 3 A. Yes. 4 Q. Okay. Did you check out before you went to the 5 waiting area after the proctor had spoken to you as 6 you just described? 7 A. I'm not -- I honestly don't recall. I honestly 8 don't recall. 9 Q. Okay. So what time was it that you were in the 10 waiting area after the proctor told you that he was 11 going to have to reseat you and asked you to go to the 12 waiting area? What time was it that you were in the 13 waiting area? 14 A. It was after 9 o'clock. I can definitely say 15 that much, but how much farther, I don't recall the 16 time at that point. 17 Q. Now, what was the next thing that happened? 18 A. I waited for the proctors for a little bit. 19 Then I asked them why -- you know, what was holding up 20 my testing, my exam. And they -- at that point, they 21 said -- I'm just trying to remember. Just give me a 22 second. 23 Okay. So while I was waiting in the 24 testing area, I believe that was when I heard another
Page 67	Page 69
1 that day? 2 A. Not yet. 3 Q. Okay. When you went out to the waiting room, 4 did you -- from the waiting room, did you visit the 5 bathroom? 6 A. There isn't a bathroom connected to the waiting 7 area. 8 Q. Okay. Let me take it back a step. If you need 9 to go to the bathroom, what do you do? 10 A. You exit the testing center, and then I think 11 you -- there is a bathroom on that floor, a little 12 farther, quite a bit farther down the hall. 13 Q. Okay. So when you say you exit the testing 14 center, do you have to go through a process to do 15 that? 16 A. No. It's -- the testing center, you know, the 17 door says Prometric Testing Center you exit that door 18 and that's it. Then you're out in the main 19 administrative hallway. 20 Q. Okay. But once you check in for an exam, do 21 you have to check out before you go to the bathroom? 22 A. Any time that you leave the testing 23 environment, you have to check out. Any time you go 24 back in, you have to check back in.	1 lady talking loudly about -- about getting 2 accommodations, and, you know, talking something about 3 being approved. I didn't hear the entire 4 conversation. Obviously, I wasn't really trying to 5 listen in. But so that -- that happened for about 6 like a few lines of conversation between the woman 7 and, I think one, of the proctors. I'm not entirely 8 sure. Then she -- you know, she quieted down. And I 9 think she was seated somewhere. I believe it was in 10 the booth that I had vacated. And, you know, then 11 I -- you know, once things were quieter, I peeked in 12 and I asked the proctors when I would be seated again 13 for the test. And it was -- I believe it was that 14 point that they said that they had seated another 15 student with a disability accommodation in my booth 16 and that I would be seated somewhere else. 17 Q. Okay. You said you heard a sort of a loud 18 conversation? 19 A. Mm-hmm. 20 Q. And would you describe that as an angry 21 conversation? Was somebody yelling at somebody? 22 A. Well, I mean the lady -- I wouldn't say she 23 was. She was talking very loudly -- I guess you could 24 characterize that as yelling but not entirely.

Maria Mahmood

Page 70	Page 72
1 Q. Was it your understanding or your impression 2 that she was angry at something? 3 A. Yes. It was my understanding that she was 4 angry at something or about something. 5 Q. Now, this was after you were already in the 6 waiting area, correct? 7 A. Yes. 8 Q. And after you had been told that you were going 9 to be moved, correct? 10 A. Yes. I think so. 11 Q. And in all this time, you have not visited the 12 restroom? 13 A. Not yet. 14 Q. Okay. So describe in a little more detail, if 15 you can, what the proctor or proctors said to you 16 about where you were going to be seated and why? 17 A. The proctors said something to the general idea 18 of -- I was being seated because they were giving 19 preference to the other student and that they would 20 find accommodations for me soon in another area. 21 Q. Did they use the word "giving preference"? 22 A. I don't remember the exact wording that they 23 used. 24 Q. Did they use the term "your booth" or your --	1 Q. And had you also tested in a private room? 2 A. Yes. 3 Q. How many times? 4 A. I don't remember the exact number. I would 5 definitely say that -- I've definitely tested at least 6 once in a private room, at least once in a general 7 area. 8 Q. Okay. So what time was it that you had the 9 conversation with the proctor saying you're going to 10 be moved and they're putting the other lady in the 11 private room? 12 A. After 9 o'clock. I would say probably 9:30 13 ish. 14 Q. 9:30 ish? 15 A. I think. To -- considering that, yeah, I 16 didn't exactly look at a watch or my cell phone for 17 that matter so.... 18 Q. Now -- 19 A. Approximating. 20 Q. When did you go and sit in the main testing 21 area? I'm sorry. Let me ask it this way. What was 22 the next thing that happened? 23 A. I waited a little more. And then I went to the 24 bathroom.
Page 71	Page 73
1 "the room where you were testing, they were giving to 2 someone else"? 3 A. Yes. 4 Q. Exactly what words did they say? 5 A. I honestly don't remember. 6 Q. Well, do the best you can. 7 MR. REIL: If you can. 8 THE WITNESS: Yeah. I remember the 9 gist of the conversation. I don't remember exactly 10 the words that were said. 11 BY MR. SACKS: 12 Q. And the gist was what? 13 A. That I would be -- that the other lady was 14 being seated in my booth that I had been in, and that 15 I would be seated somewhere else. And that they were 16 giving preference to her accommodations over mine. 17 Q. Did you say earlier that you had never tested 18 at this Prometric center? 19 A. Yes. 20 Q. Yes, that's correct? 21 A. That is correct. 22 Q. At other Prometric testing centers, had you 23 tested in a room with other examinees? 24 A. Once, yes.	1 Q. Okay. And what time was it that you went to 2 the bathroom? 3 A. I don't remember honestly. 4 Q. Okay. And did you have to ask anybody's 5 permission or tell anyone you were going to the 6 bathroom? 7 A. No. 8 Q. And that's because you had already checked out 9 of -- through security and let them know that you were 10 going to the waiting area? 11 A. Yes. 12 Q. And did you stop at your locker at any point? 13 A. I don't believe that I did. 14 Q. Okay. And you went to the bathroom -- you went 15 to the bathroom before you were seated in the main 16 seating area, main testing area? 17 A. I'm sorry. Repeat the question. 18 Q. After the proctors told you that you would be 19 moving and you were waiting in the waiting area -- 20 A. Yes. 21 Q. -- eventually, you were seated in the main 22 testing area with other examinees; is that right? 23 A. Yes. 24 Q. Okay. Before that happened, before you were

Maria Mahmood

Page 74	Page 76
<p>1 seated in the main testing area with other examinees 2 -- 3 A. Mm-hmm. 4 Q. -- you went to the bathroom; is that right? 5 A. Once. 6 Q. Okay. I'm just trying to get the sequence 7 correct. 8 A. Mm-hmm. 9 Q. So you were asked to wait in the waiting area 10 because you were going to be moved, you're waiting in 11 the waiting area, you heard the other examinee loudly 12 talking about accommodations; is that right? Do I 13 have it right so far? 14 A. Yes. 15 Q. And you're waiting in the waiting area some 16 more, and then you went to the bathroom. 17 A. Well, I would say that I went to look for the 18 bathroom. 19 Q. Okay. Tell me. 20 A. So I'm used to the bathroom being, you know, 21 close to the testing area. And I remember there was 22 one, but I wasn't sure if it was male or female or if 23 it was -- what do you call it -- unisex. 24 Q. Okay.</p>	<p>1 problems I've had with the monitor, specifically with 2 zoom text. So my understanding is that it's shipped 3 from the NBME to the Prometric's testing center. And 4 it's very specific to me because they're -- for some 5 reason -- the reasons that I've been told is that, so 6 that it wasn't tampered with by anybody else and that 7 it's, you know, the NBME makes sure that it does work. 8 So I was assuming that that particular monitor would 9 follow me to the other area. 10 Q. Okay. Now, you had been in the private testing 11 area and using that monitor with zoom text to do the 12 tutorial, correct? 13 A. Yes. 14 Q. And the monitor worked at that time, didn't it? 15 A. Yes. 16 Q. And the zoom text worked? 17 A. Yes. 18 Q. So the monitor that you were given in the 19 private area worked fine? 20 A. Yes. 21 Q. And then you were asked to go wait because you 22 were going to have to be moved? 23 A. Mm-hmm. 24 Q. And you've described waiting in the waiting</p>
<p style="text-align: center;">Page 75</p> <p>1 A. Male and female like a general bathroom. And I 2 remember making sure which one it was. Then I went 3 around the hall because I determined that it was 4 actually the male bathroom -- men's room. I went to 5 look for the ladies room. I went around the hall, 6 both -- I think it was a circular hall or a U-shaped 7 hall, something to that effect. And I went both 8 directions, and I finally found it. But then I wanted 9 to check and make sure that they hadn't gone forward 10 with, you know, setting up my accommodations so I went 11 back. 12 Q. So you didn't actually go in the bathroom at 13 that time? 14 A. No. 15 Q. So you went back to the waiting area or to the 16 proctors area where the security area was? 17 A. I went back to the waiting area. 18 Q. And then what happened? 19 A. I waited for them to seat me. And they said 20 that they had gotten -- they'd set up my monitor now. 21 Q. Okay. And was it your understanding that they 22 took the monitor that you had been using in the 23 private room and set it up in the main room? 24 A. I would assume so because of the previous</p>	<p style="text-align: center;">Page 77</p> <p>1 area, eventually looking for the bathroom, taking a 2 walk, and then coming back. 3 A. Mm-hmm. 4 Q. And then you were called to go into the main 5 seating area; is that right? 6 A. Yes. 7 Q. Okay. Who was it that called you into the main 8 seating area or how did that take place? 9 A. I believe that time it was the male proctor. 10 Q. Okay. And did he escort you to a particular 11 seat? 12 A. Yes. 13 Q. Am I correct that the monitor that you had been 14 using in the private room was a large monitor? 15 A. I believe so. 16 Q. Okay. And was the large monitor at your new 17 seat? 18 A. No. 19 Q. Was it a different monitor? 20 A. Yes. 21 Q. Okay. How do you know it was a different 22 monitor? 23 A. Because it was a different size, and because it 24 was broken.</p>

20 (Pages 74 to 77)

Maria Mahmood

Page 78	Page 80
<p>1 Q. And when you say it was broken, how was it 2 broken?</p> <p>3 A. Well, it was an LCD monitor. So LCD monitors 4 come with stands, as do all monitors. The LCD screen 5 part was separate from the stand. There were wires 6 going from the stand, which was behind it, separate 7 from it going into the back of the LCD screen. The 8 LCD screen was perched on its edge, on one of its long 9 edges. And it was perched on the desk. The proctor 10 specifically told me not to touch it because it would 11 tip over or the connections behind it would falter. 12 The keyboard -- the keyboard was -- the mouse was 13 definitely -- well, gosh, as far as I recall, the 14 mouse was on the right and the keyboard was somewhere 15 in the area. I'm not sure exactly where.</p> <p>16 Q. Okay. So how is it that it was not falling 17 over?</p> <p>18 A. I hadn't touched it yet.</p> <p>19 Q. I know but was the monitor leaning on 20 something?</p> <p>21 A. I didn't examine it that well. I mean, I 22 didn't want to touch it because, I mean, I didn't want 23 it to fall over. And considering that it's an 24 electronic device, I didn't want to short circuit</p>	<p>1 didn't -- well, it didn't work. At that point, I 2 either stepped out of the testing area or I called the 3 proctor.</p> <p>4 Q. And what happened then?</p> <p>5 A. I told them about my reservations about the LCD 6 screen, that it just -- it's not working. And it's 7 not the same monitor. And, you know, that if they 8 could please provide a working monitor, I would be 9 more than happy to use that with my accommodations and 10 all.</p> <p>11 Q. Okay. Now, up to this point that you've 12 described in the story, have you been to the bathroom 13 yet?</p> <p>14 A. I know where it is now.</p> <p>15 Q. Okay.</p> <p>16 A. But I haven't actually been there yet.</p> <p>17 Q. Okay. And what happened when you asked the 18 monitor (sic)-- when you told the monitor (sic), you 19 know, this is not a good situation, could you please 20 provide me with a working monitor. What happened 21 then?</p> <p>22 A. I got the impression that he wasn't very happy 23 about it. But he said that he'd try to find one.</p> <p>24 Q. Okay.</p>
Page 79	Page 81
<p>1 anything so the wires behind it looked pretty -- they 2 just -- it didn't appear safe to touch it. So it was 3 just perched on its edge. I didn't make sure if it 4 was leaning against something.</p> <p>5 Q. But you're quite sure that it was a different 6 monitor than the one you had been using, not just the 7 same one without the stand?</p> <p>8 A. Yes.</p> <p>9 Q. And what happened next?</p> <p>10 A. The -- I did -- I remember saying something to 11 the effect of, are you sure this will work to the 12 proctor, and he said something like, you know, 13 approximately, you know, that this is the best we can 14 do right now, and you know, to attempt to use it.</p> <p>15 Q. Okay. And what happened next?</p> <p>16 A. I tried to sit on the chair. And I tried to 17 use it. But I moved the mouse and the screen 18 flickered. So I wasn't really able to, you know, to 19 give it a test. Also, the way that it was set up, I 20 didn't feel comfortable using it. Also, the fact that 21 I had to hunch over quite a bit in order to see 22 anything on it 'cause it was like, you know, without 23 the stand, the LCD screen is pretty low. So I wasn't 24 really able to -- I mean, I gave it a shot, but it</p>	<p>1 A. Then there was conversations with, you know, 2 the other proctor, and they were both on phones.</p> <p>3 Q. Where were you?</p> <p>4 A. I was in the waiting area.</p> <p>5 Q. When did you go to the waiting area?</p> <p>6 A. When I told the proctor that I wasn't happy 7 with the monitor -- with the LCD screen.</p> <p>8 Q. And he said go wait in the -- did he tell you 9 to go wait in the waiting area?</p> <p>10 A. Yeah. He said that, you know, my test would be 11 suspended, and that, you know -- to have, you know -- 12 to wait while they were working on it.</p> <p>13 Q. Okay. So he said wait there while we try to 14 figure this out?</p> <p>15 A. Yeah, something like that.</p> <p>16 Q. And you went to the waiting area?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. What time was it at that point would you 19 say?</p> <p>20 A. Well, I can tell you the approximate -- like 21 the length of time as far as I can remember that I 22 spent in the testing area when the proctor seated me 23 at the faulty monitor, I'd say that was about five to 24 ten minutes max. And then I exited so -- I mean,</p>

Maria Mahmood

Page 82	Page 84
1 that's the best I can do. 2 Q. Okay. Did you have to check out again to go 3 back to the waiting area? 4 A. Actually, I'm not entirely sure that -- that I 5 had to check out at that point. I mean, I've had -- 6 at this point, I've had to check in and check out a 7 couple of -- more than like three or four times. So I 8 don't remember the exact -- if I did that time or 9 didn't. 10 Q. Okay. You said that the proctor said your test 11 will be suspended? 12 A. Yeah, as in my -- the time allotted for my 13 exam. It won't be running. 14 Q. Okay. 15 A. Normally, it does run for every break that I 16 take. So all breaks are included in the total testing 17 time for that day. But as far as I recall, he said 18 that, you know, they had stopped my clock. 19 Q. They stopped the clock while they tried to look 20 for -- while they tried to deal with the monitor 21 situation? 22 A. Yeah, I think so. 23 Q. So you went to the waiting area? 24 A. Yes.	1 A. Yes. 2 Q. So you've described a lot of things happening 3 from the time that you took the tutorial. You were 4 first told you would have to be reseated. You waited 5 in the waiting area. Checked out where is the 6 bathroom. Eventually you were seated in the main 7 testing area. There was a problem with the monitor. 8 You got the proctor. You asked for a different 9 monitor. Is that right? 10 A. Mm-hmm. 11 Q. He asked you to wait in the waiting area. Do I 12 have all that correct so far in terms of sequence? 13 A. I believe so. Specifically, about the monitor, 14 I just asked for a monitor with my accommodations. 15 Q. You asked for a monitor with your 16 accommodations? 17 A. Yes. 18 Q. And other than that, did I get the sequence 19 correct? 20 A. I think so. 21 Q. Okay. And then you went to the waiting area 22 and you waited for what seemed like a long time? 23 A. Yes. 24 Q. How long would you say?
Page 83	Page 85
1 Q. You're not sure, though, if you checked out 2 through the security? 3 A. Not sure at all. 4 Q. Okay. Did you go to the bathroom at that time 5 through the waiting area? 6 A. I waited for a little bit longer. I believe 7 there was -- you know, they were on phones, and I 8 just -- I don't know. I was looking at the TV or just 9 something. I waited for a little bit. And then when 10 you know, I felt that there was no activity happening 11 for quite a while, the proctors were handling other 12 students and, you know, I didn't hear anything about 13 it for a long time -- what felt like a long time. So 14 then I went to the bathroom. 15 Q. So this is the first time that you actually 16 went into bathroom? 17 A. Mm-hmm. 18 Q. Did you stop at your locker before you went to 19 the bathroom? 20 A. I don't remember. 21 Q. Is this the time when you went to the bathroom 22 and you started a fire? 23 A. I lit a small piece of tissue paper on fire. 24 Q. Is this the time that that happened?	1 A. It felt like an hour, maybe. I didn't have -- 2 I didn't have my phone with me. 3 Q. Okay. 4 A. And I didn't see a clock around the area so. 5 Q. But it felt like a long time? 6 A. Yeah. 7 Q. And while that was happening, you were hearing 8 the proctors deal with other students? 9 A. Yes. 10 Q. And then you went to the bathroom? 11 A. Yes. 12 Q. Now, in the bathroom -- and during that trip to 13 the bathroom is when you lit something on fire? 14 A. A small piece of tissue paper, yeah. 15 Q. A small piece of tissue paper. So let me ask 16 you a couple of questions. The police describe a 17 piece of twine starting -- like a fire started or the 18 tissue paper and a piece of twine. 19 A. Okay. 20 Q. Did you take a piece of twine to the bathroom? 21 A. No. I did not have any twine with me. 22 Q. Okay. Did you bring something into the 23 bathroom that you stuck on the wall and lit on fire? 24 A. No.

Maria Mahmood

Page 86	Page 88
1 Q. Did you use any flammable liquid?	1 A. Bathrooms have quite a supply of tissue paper
2 A. I don't think so. I'm pretty --	2 from the dispenser on the side to toilet paper.
3 Q. Did you --	3 Q. Okay. I'm asking where did it come from, not
4 A. Sorry.	4 what do bathrooms usually have?
5 Q. Go ahead.	5 A. I believe that was -- I believe that was the
6 A. I don't believe I used any flammable liquid to,	6 hand dispenser -- the hand wipes in the bathroom next
7 you know, with the tissue paper.	7 to the sink.
8 Q. Did you have a bag or a Tupperware that had	8 Q. You mean the paper towels to wipe one's hands
9 gasoline or some other flammable liquid in it?	9 with?
10 A. No.	10 A. Yes.
11 Q. How did you light the tissue paper on fire.	11 Q. Or tissues to blow one's nose with?
12 A. I had a lighter with me.	12 A. Paper towels, I believe.
13 Q. And had you had that lighter with you in the	13 Q. And how did you light it on fire?
14 test -- when you were testing?	14 A. With a lighter.
15 A. No.	15 Q. Were you standing there in one hand with the
16 Q. So where did you get the lighter?	16 paper towel and the other hand with the lighter, and
17 A. I likely -- it was -- I keep a lighter in my	17 you lit it on fire that way?
18 purse, so at some point I must have checked my purse.	18 A. I was near the sink.
19 Q. So I asked you a little while ago did you go	19 Q. Okay.
20 into your locker. And you said no or you don't think	20 A. And I had the tissue paper in one hand and the
21 so. Does that change your testimony?	21 lighter in the other and I lit it on fire.
22 A. Well, I don't recall if I did so....	22 Q. And then what?
23 Q. Do you smoke cigarettes?	23 A. And then I believe I put it out and I left.
24 A. I do not.	24 Q. Did you run water on it?
Page 87	Page 89
1 Q. Why do you carry a lighter?	1 A. No.
2 A. It's also why I carry like a pocket -- like a	2 Q. Where did you leave it?
3 multipurpose tool, same reason.	3 A. On the floor since it was ceramic tile. I
4 Q. What? What is that reason?	4 didn't want to put it in the waste paper basket
5 A. It's just something that you carry around.	5 because that had more tissues in it, and that would,
6 It's like a survival thing, I guess.	6 kind of, cause a larger fire.
7 Q. Okay. So you don't recall stopping and getting	7 Q. Did you walk away when it was on fire?
8 something out of your locker?	8 A. I don't think it was on fire.
9 A. Not specifically, no. I do not recall	9 Q. Did you put it out?
10 specifically whether I did or not.	10 A. I don't remember exactly, if I did put it out.
11 Q. You had no lighter in your possession when you	11 I remember letting it go on the floor.
12 were testing; is that right?	12 Q. And you did not use twine?
13 A. Yes.	13 A. No.
14 Q. But you had the lighter in your possession when	14 Q. And you did not bring any flammable liquids?
15 you went to the bathroom?	15 A. No.
16 A. Yes.	16 Q. And you had no plan to do that before you came
17 Q. Did you bring it with you that day because you	17 in that day?
18 were planning to light a fire?	18 A. No.
19 A. No.	19 Q. Was anybody else in the bathroom when you did
20 Q. Did you have any intention before you came that	20 that?
21 day, before you went to the testing center of lighting	21 A. I don't remember looking around for anybody
22 a fire?	22 else when I did that. And I don't think there was
23 A. No.	23 anybody else, but I'm not sure.
24 Q. Where did the tissue paper come from?	24 Q. What was going through your mind?

23 (Pages 86 to 89)

Maria Mahmood

Page 90	Page 92
<p>1 A. I was very depressed about not having the 2 accommodations yet again, about Prometric not 3 providing appropriate accommodations for me. This 4 was -- it was just like a recurring trend so. And it 5 would delay my exam, yet again. And at that point, I 6 was also coming up against the seven-year deadline for 7 getting an M.D. So a lot of those factors were going 8 through my mind.</p> <p>9 MR. SACKS: I need to take a three 10 minute break.</p> <p>11 (A short break was taken.)</p> <p>12 BY MR. SACKS:</p> <p>13 Q. So what you just described in the bathroom 14 happened after you had asked the Prometric proctor to 15 find you -- to get you a monitor with your 16 accommodations?</p> <p>17 A. Yes.</p> <p>18 Q. And they were making calls and whatever, and 19 you were waiting for them to get back to you.</p> <p>20 A. Mm-hmm.</p> <p>21 Q. And you went to the bathroom and did what you 22 described in terms of lighting a paper towel on fire.</p> <p>23 A. Yes.</p> <p>24 Q. So let's mark this next document.</p>	<p>1 it. So take your time though and look at this as 2 closely as you want. And then I can ask you a couple 3 of questions.</p> <p>4 A. (Reviewing document.) Okay.</p> <p>5 Q. So have you seen that before?</p> <p>6 A. I don't recall going through every piece of 7 documentation for this -- for these proceedings.</p> <p>8 Q. Have you seen this document before?</p> <p>9 A. I might have. I don't recall exactly.</p> <p>10 Q. Okay. The document which you just -- you had a 11 chance to read it --</p> <p>12 A. Yes.</p> <p>13 Q. -- just now. Okay. So on the first page, it 14 describes a Prometric employee who says that she saw 15 you in the bathroom at approximately 9:10 a.m. And 16 she saw you standing at the sink near the back wall. 17 And she saw you cleaning out a small plastic container 18 that appeared to have a plastic Ziploc bag with wet 19 paper towels in it. And that when she opened the bag, 20 this employee, Lisa, noticed a strong smell like 21 chemicals.</p> <p>22 A. I remember washing my hands at the sink 23 multiple times but there wasn't any Ziploc bag that I 24 recall.</p>
Page 91	Page 93
<p>1 --- 2 (Exhibit Mahmood 9, Prometric report 3 dated August 16, 2011, 4 pages, was marked for 4 identification.) 5 ---</p> <p>6 BY MR. SACKS:</p> <p>7 Q. So Ms. Mahmood, have you ever seen this before, 8 this document that was just marked as Mahmood Number 9 9? 10 A. No. 11 Q. You've never seen this in the course of this 12 litigation? Have you seen this report from Prometric 13 about the events that happened on August 8, 2011? 14 A. I don't remember exactly. I mean -- 15 MR. REIL: Let me note for the record 16 that plaintiff has not authored this document. 17 MR. SACKS: Clearly not. This is a 18 document that you have seen before, Mr. Reil. It's 19 been attached to motions. It's a report from 20 Prometric, the testing organization, about the events 21 of August 8, 2011. The report is dated August 16, 22 2011. 23 BY MR. SACKS: 24 Q. But I want to ask you a couple of things about</p>	<p>1 Q. And did you have anything with you in a bag 2 that smelled like chemicals? 3 A. No. 4 Q. Okay. She described you going into one of 5 stalls? 6 A. I did go to the bathroom. 7 Q. Okay. A different Prometric employee -- after 8 the first one left, a second employee came in and 9 describes passing by you, and that she, the employee, 10 entered one of the stalls, and that she could see 11 through the crack you using the sink. 12 A. Yes. 13 Q. And when she came out of the -- she describes 14 when she came out of the stall, she observed what 15 appeared to be paper towels stuck to the wall 16 underneath the sink counter top where you had been 17 standing with an attached string hanging down from 18 them, and the string was on fire moving it's way up 19 toward the wall. 20 A. Well, as I said before, I didn't have on my 21 possession any sort of string so. And I didn't attach 22 anything to the wall. 23 Q. Okay. So this person describing this -- not 24 true from your point of view?</p>

Maria Mahmood

Page 94	Page 96
<p>1 A. Well, I don't recall that particular, you know, 2 what's she describing here.</p> <p>3 Q. So might it have happened, you just don't 4 recall?</p> <p>5 A. I don't think it did happen. I did not -- like 6 I said, I did not have any string with me, not even -- 7 you know, my monocular it has like a --</p> <p>8 Q. Strap?</p> <p>9 A. Yeah, exactly. I didn't even have that with 10 me.</p> <p>11 Q. And the time frame that she's describing is 12 earlier than you've described. Sometime between 9:00 13 and 9:15, and you had described a whole series of 14 events that would have made it, I think, later than 15 that; is that correct?</p> <p>16 A. Well, there are some discrepancies here. For 17 instance, here (indicating) appointment time. My 18 appointment time was actually 8:00 a.m. not 9:00 a.m. 19 because I've taken these really long exams before, and 20 they -- and to accommodate the staff, they ask me to 21 come an hour earlier when the center opens. So it's 22 usually about 8:00 a.m.</p> <p>23 Q. But my question was in the sequence that you 24 described, you described starting around 9:00</p>	<p>1 MR. SACKS: Yes.</p> <p>2 BY MR. SACKS:</p> <p>3 Q. Have you seen this document before that we've 4 marked at Mahmood Number 10?</p> <p>5 A. I think I might have seen it before earlier, 6 but I don't recall reading it.</p> <p>7 Q. Okay. Well, let me ask you a couple of 8 specific things. And again, if at any point you want 9 to stop and read it more closely, just say so.</p> <p>10 A. Okay.</p> <p>11 Q. I will represent to you that this is a police 12 report from the Baltimore Police about the event that 13 we've been talking about, August 8, 2011 at the 14 Prometric center, a report of arson. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. And the first thing I want to ask you is, do 17 you have any explanation for the fact that the police 18 report is marked August 8, 2011 at 9:09 a.m., that they 19 got a report by 9:09 a.m.?</p> <p>20 A. Okay.</p> <p>21 MR. REIL: I'm going to object here to 22 characterization of the report. I think it speaks for 23 itself.</p> <p>24 MR. SACKS: Yes. I'm not trying to get</p>
Page 95	Page 97
<p>1 and finishing the tutorial and then having to wait in 2 the waiting area and then trying to use the -- you 3 described waiting in the waiting area, taking a walk 4 around, looking for the bathroom, coming back, going 5 into the main testing area where you found the monitor 6 to be broken, then you waited for quite a long time. 7 You said it felt like an hour.</p> <p>8 A. Mm-hmm.</p> <p>9 Q. And here in the description from the Prometric 10 employees, they're talking about in the 9:00 to 9:15 11 range, this happening in the bathroom. Is that 12 consistent or do you disagree with that time frame?</p> <p>13 A. I disagree with that time frame.</p> <p>14 Q. Okay.</p> <p>15 A. Because I don't remember events transpiring in 16 that order.</p> <p>17 Q. All right. Let me ask you a different 18 question.</p> <p>19 MR. SACKS: Can you mark that, please.</p> <p>20 ----</p> <p>21 (Exhibit Mahmood 10, Police Report, 3 22 pages, was marked for identification.)</p> <p>23 ----</p> <p>24 MR. REIL: Is this 10?</p>	<p>1 Miss Mahmood to validate the report in any way. I'm 2 simply asking whether she has an explanation for the 3 discrepancy between her time sequence and the time 4 that is indicated on the report, which -- where on the 5 third line in the upper right, it says date and time 6 occurred, and it says, "8 August, 11 0909", which I 7 think we can agree means 9:09 in the morning.</p> <p>8 THE WITNESS: Okay.</p> <p>9 BY MR. SACKS:</p> <p>10 Q. So my question to you, Ms. Mahmood, is, do you 11 have an explanation of how the police could have had a 12 report of arson at this address at 9:09 a.m. given the 13 way you've described the sequence of events?</p> <p>14 A. No, I do not. I mean, I'm describing the 15 sequence of events to the best of my ability according 16 to how I remember them.</p> <p>17 Q. Okay. On the second page of the police report, 18 on the second paragraph of the text on the third line, 19 I'll read it. It says, "Captain Shiloh determined 20 that the fire" -- do you see where I am?</p> <p>21 A. (No response.)</p> <p>22 Q. On the third line of the second paragraph.</p> <p>23 A. Okay.</p> <p>24 Q. "Captain Shiloh determined that the fire</p>

25 (Pages 94 to 97)

Maria Mahmood

Page 98	Page 100
<p>1 originated against the west wall of the women's 2 bathroom on the 13th floor where toilet tissue and a 3 piece of twine were stuck to the underside of a sink 4 against the wall. An open flame ignited the paper 5 with the resulting fire consuming part of the toilet 6 paper and twine with extension of fire to the lower 7 portion of the west wall. The wall surface was fully 8 burned and scorched in an area measuring 10 X 18 9 inches."</p> <p>10 A. Okay.</p> <p>11 Q. Okay. So do you have an explanation for the 12 discrepancy between what the police found and what you 13 described in terms of holding a paper towel in your 14 hand and lighting it and dropping it to the floor?</p> <p>15 MR. REIL: I'm going to object here, 16 characterization as a discrepancy. I think the report 17 speaks for itself, but she can answer.</p> <p>18 MR. SACKS: Okay. I'll withdraw the 19 word "discrepancy."</p> <p>20 BY MR. SACKS:</p> <p>21 Q. Do you have an explanation for why the police 22 have described it this way given how you've described 23 it?</p> <p>24 A. Well, as I said before, I'm giving you an</p>	<p>1 A. Well --</p> <p>2 MR. REIL: Her answer was, no.</p> <p>3 MR. SACKS: Her answer was, not 4 significantly.</p> <p>5 MR. REIL: Okay.</p> <p>6 BY MR. SACKS:</p> <p>7 Q. So to the extent that it did refresh your 8 recollection, how did it refresh your recollection?</p> <p>9 A. Well, the only thing that I can specifically 10 say is that -- let me be more specific. I don't -- it 11 doesn't change the events that I remember. It doesn't 12 change how they transpired. It doesn't change the 13 time frame that I'm talking about. It just opened my 14 eyes to the -- you know, the perspective from other 15 people's views that were around me that I happened to 16 missed -- that I happened to have missed.</p> <p>17 Q. Does it refresh your recollection in terms of 18 using twine and tissue plastered against the wall -- 19 stuck against the wall?</p> <p>20 A. No.</p> <p>21 Q. You deny that?</p> <p>22 A. Yes.</p> <p>23 Q. Now, at any point -- well, let me ask you. 24 What did you do after you lit the tissue paper on</p>
Page 99	Page 101
<p>1 accurate -- to the best of my ability, I'm giving you 2 an accurate description of how I remember the events. 3 And as far as I can tell, just from reading this 4 report, you know, the gist that I'm getting from it is 5 that the police report is based on the testimony of, 6 like, Prometric employees. So I mean, beyond that, 7 don't have much of an explanation.</p> <p>8 Q. So if you're incorrect on that, and if the 9 police arson investigators went into the bathroom and 10 looked at it and found what I've just read to you --</p> <p>11 A. Mm-hmm.</p> <p>12 Q. -- do you have an explanation for that?</p> <p>13 A. No, I do not.</p> <p>14 Q. Do you want to change any of your testimony?</p> <p>15 MR. REIL: Objection.</p> <p>16 BY MR. SACKS:</p> <p>17 Q. Let me ask you this way. Did what I read to 18 you from the police report or the Prometric report 19 refresh your recollection about what happened in the 20 bathroom that day?</p> <p>21 MR. REIL: Objection. You can answer.</p> <p>22 THE WITNESS: Not significantly.</p> <p>23 BY MR. SACKS:</p> <p>24 Q. Well, how did it?</p>	<p>1 fire?</p> <p>2 A. Well, I believe we went over this. I let it go 3 on the floor, and I put my things back in my purse and 4 I walked out.</p> <p>5 Q. Okay. Where did you go?</p> <p>6 A. Back to the testing area -- or the general 7 waiting area.</p> <p>8 Q. Okay. Back to the waiting area. Did you ever 9 sit down again in the general testing room where other 10 examinees were?</p> <p>11 A. You mean where they were taking the exams?</p> <p>12 Q. Yes. Did you ever go back to the testing seat 13 where the broken monitor had been?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Okay. Did you ever go back to the special 16 accommodations room?</p> <p>17 A. Not that I recall. The closest that I came was 18 in the area where -- in the area that connects those 19 two rooms.</p> <p>20 Q. You mean, where the proctor's desk is and that 21 you go through security?</p> <p>22 A. Yes.</p> <p>23 Q. So you went back into that room?</p> <p>24 A. I believe so, yeah.</p>

Maria Mahmood

Page 102	Page 104
1 Q. But you didn't go back to any -- either the 2 first seat that you had or the second seat that you 3 had? 4 A. No, I did not. 5 Q. And when you went back from the bathroom, did 6 you stop in the waiting area and sit down? 7 A. When I went back -- from when I came back from 8 the bathroom? 9 Q. Yes. After you lit something on fire in the 10 bathroom and you left the bathroom, you said you went 11 back to the waiting area. 12 A. Yes. 13 Q. Did you stay in the waiting area for some 14 period of time? 15 A. Yes. 16 Q. And who else was in the waiting area at that 17 time? 18 A. I don't remember exactly. I mean, like I said, 19 I didn't exactly -- you know, I wasn't looking around, 20 you know, to notice other people. 21 Q. Okay. How long did you stay in the waiting 22 area at that time? 23 A. For a while longer and then, you know, other 24 Prometric staff came and asked me to sit in an	1 A. Came back from the bathroom. I waited for -- 2 you know, for them to tell me about if any progress 3 had been done with the monitor. 4 Q. Okay. 5 A. And then I peeked into the room to ask them if 6 any progress had been done, and I was told they were 7 still working on it. 8 Q. So you didn't go and have an extended stay in 9 that room where the security is? 10 A. No. 11 Q. Okay. You peeked in. You had a quick -- you 12 asked them what's the status. They told you they're 13 still working on it. And then you went back into the 14 waiting area? 15 A. Yes. 16 Q. And in the waiting area, is where you had the 17 conversation with the two other Prometric employees 18 where they asked you to go to a different room? 19 A. Yes. 20 Q. So I asked you a little while ago, what was 21 going through your mind, remember? 22 A. Mm-hmm. 23 Q. About starting the fire. 24 A. Hmm.
Page 103	Page 105
1 adjacent -- like a smaller room. 2 Q. Another room that you haven't described yet 3 today? 4 A. Yeah. 5 Q. Okay. And which person of the Prometric staff 6 asked you to do that? 7 A. Not the two proctors that I had contact with 8 before. 9 Q. Somebody else? 10 A. Yeah. 11 Q. Can you describe -- male or female, young, old? 12 A. I think -- I mean, once I came back from the 13 bathroom, there were two new people that I remember 14 either directly or indirectly interacting with, but I 15 don't remember which of them asked me to wait in the 16 separate conference room. 17 Q. Did that conversation with them take place in 18 the waiting area? 19 A. I think so. I'm not entirely certain. 20 Q. Now, a moment ago you said at some point you 21 went back into the area where the proctor's desk is, 22 where the security is done. 23 A. Yeah. 24 Q. When did that happen?	1 Q. And you said something to the effect -- and I 2 don't want to mischaracterize you, so please correct 3 me if I get this wrong. You said something to the 4 effect that you were upset or frustrated that the 5 accommodations weren't as they should have been. 6 A. Yes. 7 Q. And that's why -- out of upset or something 8 that you lit the thing on fire? 9 A. Partly. It was -- I mean, for the most part, 10 I can't -- I couldn't say that I can, you know, 11 characterize exactly what was going through my mind or 12 exactly the reason that I lit the tissue paper on 13 fire, but I'd say that's a fairly close approximation. 14 Q. Okay. Was it a spontaneous event? 15 A. Yeah. 16 Q. Okay. Let me show you this. 17 --- 18 (Exhibit Mahmood 11, letter dated 19 January 22, 2012, 2 pages, was marked for 20 identification.) 21 --- 22 MR. REIL: Is this 11? 23 MR. SACKS: Yes. 24 THE WITNESS: (Reviewing document.)

27 (Pages 102 to 105)

Maria Mahmood

Page 106	Page 108
<p>1 BY MR. SACKS:</p> <p>2 Q. Finished?</p> <p>3 A. Yes.</p> <p>4 Q. You recognize that letter, don't you?</p> <p>5 A. Yes.</p> <p>6 Q. And you wrote it, correct?</p> <p>7 A. I did.</p> <p>8 Q. It's dated January 22, 2012. It's directed to</p> <p>9 Amy Buono, the Office of the USMLE Secretariat. Is it</p> <p>10 fair to say that is a letter of explanation that you</p> <p>11 sent to the USMLE when they were investigating the</p> <p>12 question of whether you had engaged in irregular</p> <p>13 behavior?</p> <p>14 A. Yes. This was the best explanation I could</p> <p>15 come up with at that time.</p> <p>16 Q. Okay. Now, if you look at the second page of</p> <p>17 this letter --</p> <p>18 A. Mm-hmm.</p> <p>19 Q. -- you say -- and I'm going to read the</p> <p>20 paragraph, the first full paragraph on the second</p> <p>21 page. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. It says, "I am very ashamed to write that all</p> <p>24 these factors led to further deterioration of my</p>	<p>1 committee -- committee on irregular behavior.</p> <p>2 Q. Well, is what you wrote in the letter to the</p> <p>3 committee, was it true?</p> <p>4 A. Well, for -- I always get test anxiety before</p> <p>5 most exams. So to that respect, yeah, it was true.</p> <p>6 But does that always translate further down when I get</p> <p>7 to the center or later on? Not usually.</p> <p>8 Q. Okay. My question is different from that.</p> <p>9 A. Okay.</p> <p>10 Q. In the letter, the way I interpret the letter,</p> <p>11 you said you were so panicked the morning of the exam</p> <p>12 that the only way that you felt that you could deal</p> <p>13 with it was to create a diversion that would delay the</p> <p>14 exam.</p> <p>15 A. Mm-hmm.</p> <p>16 Q. And therefore, that you started the fire to</p> <p>17 delay the exam, that it would cause a delay of the</p> <p>18 exam.</p> <p>19 A. Well --</p> <p>20 Q. Isn't that what you meant in this letter?</p> <p>21 MR. REIL: Objection to the form of the</p> <p>22 question. I think the form of the question, the</p> <p>23 question contained the way I interpret it, the letter.</p> <p>24 And I object to that.</p>
Page 107	Page 109
<p>1 mental state to the point where I came to conclusions</p> <p>2 that were normally abhorrent to me. Every time I</p> <p>3 thought about the idea of sitting for the exam,</p> <p>4 feelings of anxiety about a possible failure and what</p> <p>5 that would lead to, left me paralyzed with fear. On</p> <p>6 the morning of the exam I awoke in a state of extreme</p> <p>7 panic. I felt I needed a respite from all of this and</p> <p>8 the only way I could fathom was to create a diversion</p> <p>9 that would delay my exam for a time. I regret that I</p> <p>10 was not in adequate enough possession of my mental</p> <p>11 faculties to consider the consequences of my actions</p> <p>12 on the other students who were sitting for their</p> <p>13 various tests at the same center, and on my family for</p> <p>14 the emotional and financial burden I placed on them."</p> <p>15 A. Mm-hmm.</p> <p>16 Q. So my question is, didn't you explain to the</p> <p>17 USMLE committee that you started the fire because you</p> <p>18 needed to -- you felt like you needed to delay the</p> <p>19 exam?</p> <p>20 A. Well, that was the only explanation I could</p> <p>21 think of at the time.</p> <p>22 Q. At the time of what?</p> <p>23 A. When I was trying to deal with the -- you know,</p> <p>24 when I was trying to deal with the irregular behavior</p>	<p>1 MR. SACKS: I'm trying to get at what a</p> <p>2 correct interpretation of this letter is.</p> <p>3 MR. REIL: Okay.</p> <p>4 BY MR. SACKS:</p> <p>5 Q. What did you mean that you wanted to create a</p> <p>6 diversion?</p> <p>7 A. Well, the difference between wanting to create</p> <p>8 a diversion at a specific time and actually creating</p> <p>9 one, are two different things. So for --</p> <p>10 Q. So -- go ahead.</p> <p>11 A. So for instance, I don't particularly enjoy</p> <p>12 taking exams, and I'd rather that they did not exist.</p> <p>13 But that does not mean that I won't take them because</p> <p>14 they are a requirement.</p> <p>15 Q. Ms. Mahmood, let me try this again. In your</p> <p>16 letter, you wrote that on the morning of the exam you</p> <p>17 woke up in a state of extreme panic and that you felt</p> <p>18 that you needed a respite from all this and that the</p> <p>19 only way you could fathom that was to create a</p> <p>20 diversion that would delay the exam for a time. And</p> <p>21 then you said, "I regret I was not in adequate enough</p> <p>22 possession of my mental faculties to consider the</p> <p>23 consequences of my actions on the other students who</p> <p>24 were sitting for their various tests at the center."</p>

Maria Mahmood

Page 110	Page 112
<p>1 What does this mean if not that you 2 regret starting the fire or you regret planning to 3 start the fire to create a diversion?</p> <p>4 MR. REIL: Objection asked and 5 answered, argumentative.</p> <p>6 You can answer.</p> <p>7 BY MR. SACKS:</p> <p>8 Q. What does it mean if not that?</p> <p>9 A. It means that I regret that -- the consequences 10 of what happened, but it does not at all mean that I 11 actually -- you know, that I planned anything in 12 advance or that my anxiety specifically in the 13 morning, you know, contributed to the event when I lit 14 the tissue paper on fire.</p> <p>15 Q. Okay. So even though you wrote this letter, 16 your testimony is that your extreme anxiety and panic 17 that morning did not contribute to your lighting the 18 fire in the bathroom. Is that what you just said?</p> <p>19 MR. REIL: Same objection.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: It's so -- whatever I'm 22 feeling at any specific moment does not necessarily 23 mean that I'm going to follow through on it. So 24 that's my explanation. That's the best that I can do.</p>	<p>1 compound and in the nature of a narrative. She can 2 answer if she can.</p> <p>3 MR. SACKS: Do you need to hear the 4 question?</p> <p>5 THE WITNESS: Sure.</p> <p>6 MR. SACKS: Could you read the question 7 back, please.</p> <p>8 (Court reporter read the record as 9 requested.)</p> <p>10 MR. REIL: I renew my objection.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Well, as I've said 13 before. I was also considering the fact that I was 14 coming up against a seven-year deadline. So that 15 compounded with my frustration about Prometric not 16 providing me with reasonable accommodations was the 17 reason for setting the small piece of tissue paper on 18 fire.</p> <p>19 BY MR. SACKS:</p> <p>20 Q. This letter that you wrote to the USMLE 21 committee --</p> <p>22 A. Mm-hmm.</p> <p>23 Q. -- is it true today? What you said in here, is 24 it true and correct?</p>
Page 111	Page 113
<p>1 BY MR. SACKS:</p> <p>2 Q. Were you speaking truthfully to the committee 3 in your letter?</p> <p>4 A. I was speaking to the best of my ability at 5 that point I think so. And I was also under 6 psychiatric care at that point.</p> <p>7 Q. So the Prometric report has employee witnesses 8 who say that they saw you with twine and tissue, put 9 it against the wall and light it on fire. The police 10 report says that they determined that the cause of the 11 fire was tissue soaked in something flammable and 12 twine and started on fire against the wall.</p> <p>13 A. Mm-hmm.</p> <p>14 Q. In your letter you said that you were so 15 panicky that morning that the only thing you could 16 think to do was to get a respite from this by creating 17 a diversion that would delay the exam. And your 18 testimony today is, you were just so frustrated that 19 you spontaneously went in and lit a little piece of 20 something on fire and dropped it on the floor.</p> <p>21 MR. REIL: Objection. Question is --</p> <p>22 are you finished, I'm sorry.</p> <p>23 MR. SACKS: I'm finished.</p> <p>24 MR. REIL: Objection. Question is</p>	<p>1 A. I believe that a lot of it is true, and I 2 believe that I was also trying to theorize on why I 3 did what I did in the testing center. And so that's 4 the explanation that I came up with at that time.</p> <p>5 Q. And I'm asking you, is that true?</p> <p>6 MR. REIL: Objection, asked and 7 answered.</p> <p>8 BY MR. SACKS:</p> <p>9 Q. Is the explanation that you gave correct?</p> <p>10 A. I'm not sure.</p> <p>11 Q. You're not sure?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Okay. In describing what happened that day, we 14 got to the point where two employees of Prometric 15 asked you to go to a separate room.</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Not the special accommodations room, not the 18 main testing area, not the waiting area, but another 19 room, correct?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. Okay. And what happened then? Did you go to 22 that room?</p> <p>23 A. Yes.</p> <p>24 Q. Did they escort you to that room?</p>

Maria Mahmood

Page 114	Page 116
1 A. Yes.	1 like a long time, at least ten minutes?
2 Q. Did they stay with you in that room?	2 A. Mm-hmm.
3 A. No.	3 Q. And what happened next?
4 Q. Did anybody come into that room right away?	4 A. At that point, I -- well, at some point, I
5 A. No.	5 stepped out to see what was going on and asked to, you
6 Q. So you were by yourself in that room?	6 know, why I wasn't provided with my belongings. And
7 A. Yes.	7 even though that they said that my exam was suspended,
8 Q. For how long were you by yourself?	8 they still gave the explanation of something to the
9 A. It was a really long time. I would say	9 effect of because I was still going, you know, giving
10 definitely more than ten minutes, but that's the best	10 my exam, that I couldn't have my belongings with me.
11 I can do.	11 You know, I tried to -- I didn't quite understand why
12 Q. Did they give you any explanation for why they	12 that was. You know, those were two conflicting -- two
13 asked you to go into that room?	13 conflicting things that they were saying to me. So I
14 A. Not really. They also didn't give me any	14 went back in and waited some more. And at some point,
15 explanation as to why they took my belongings from me	15 the police arrived and they questioned me a little
16 including my monocle and my phone.	16 bit.
17 Q. Who did?	17 Q. In that same room?
18 A. The Prometric testing administrators -- staff.	18 A. At first, yeah.
19 Q. You mean the same two people --	19 Q. Okay. And what do you recall about the police
20 A. Yes.	20 questioning, the first part of that, what do you
21 Q. -- who asked you to go to that room, took your	21 remember?
22 belongings away?	22 A. Not a lot. I don't remember anything specific
23 A. Yes.	23 about -- about the questions they asked.
24 Q. Did they say they would return them or what did	24 Q. How many police were there when they first came
Page 115	Page 117
1 they say about that?	1 to talk to you?
2 A. They just said that we need to take your	2 A. Definitely more than two.
3 belongings, that you can't take them in the room with	3 Q. More than two in the room with you?
4 you. I remember asking something to the effect of,	4 A. Yes.
5 you know, why the reason for this. And I wasn't	5 Q. Did they say anything about a fire in the
6 really given a reason. I was looking at my phone at	6 bathroom?
7 that time trying the -- trying to check the time. But	7 A. No.
8 one of them, I don't remember which one, reached in	8 Q. Did they say why they wanted to talk to you?
9 and took my phone from my hand and asked me to wait in	9 A. They -- no, I don't remember that.
10 the waiting area repeatedly.	10 Q. Did you have a hunch that it might be about the
11 Q. Okay. Throughout this sequence that we've been	11 fire in the bathroom?
12 discussing so far, where was your father?	12 MR. REIL: Objection to the word
13 A. I don't remember.	13 "hunch."
14 Q. We haven't heard anything since your father	14 THE WITNESS: I don't remember.
15 drove you. Did you see your father from the time you	15 BY MR. SACKS:
16 first went to the waiting area until the point we just	16 Q. Did you surmise?
17 got to in the story? Did you see your father at any	17 A. I don't remember. I remember noticing there
18 time during that?	18 was definitely a commotion going around, but I don't
19 A. I think so. I think I saw him once, but I	19 remember exactly what it was about.
20 don't remember exactly when.	20 Q. And what was your response to them? What did
21 Q. Any conversation that you recall?	21 you say?
22 A. No, not really. We didn't really converse	22 A. Well, I don't remember them asking me any
23 anything specifically.	23 specific questions other than what's your name and,
24 Q. So you're in this separate room for what seemed	24 you know, just generic questions. And I answered them

Maria Mahmood

Page 118	Page 120
1 so....	1 criminal definition?
2 Q. Did they advise you of your rights?	2 MR. SACKS: No. I'm not asking about a
3 A. After -- that was later in the -- later that	3 criminal definition.
4 afternoon.	4 BY MR. SACKS:
5 Q. Okay. You said that they came into the room	5 Q. Did you understand that arson is associated
6 where the Prometric people had placed you. Did they	6 with fire?
7 take you to a different room?	7 A. I remember asking so, no. It's not a term that
8 A. Yes.	8 I came across.
9 Q. And was all of this on the 13th floor?	9 Q. Right. That's why I was asking you.
10 A. I believe so. I don't remember climbing any	10 A. Yeah.
11 stairs or going down any stairs.	11 Q. So did you understand at the point that they
12 Q. Okay. At any point, did you ask to speak with	12 were arresting you, that it had something to do with
13 your father?	13 fire?
14 A. I did.	14 A. After they explained it to me, yeah.
15 Q. And what did they say? Did you ask the police	15 Q. Okay. And that was still at the Prometric
16 or the Prometric folks?	16 center?
17 A. I don't remember. I think I asked the police.	17 A. Yes. It was in the elevator while I was going
18 Q. And what was the response?	18 down after being handcuffed.
19 A. That he was -- they would see where he was.	19 Q. Did anyone from Prometric go to the police
20 Q. Okay. At any point in the questioning by the	20 station?
21 police, did they ask you if you started a fire in the	21 A. I don't remember.
22 bathroom?	22 Q. Who did you go to the police station with?
23 A. While I was at the center, no.	23 A. Police officers.
24 Q. Did the subject of a fire or lighting something	24 Q. Two officers?
Page 119	Page 121
1 on fire in the bathroom ever come up while you were	1 A. I -- maybe, there was definitely at least one
2 still at the Prometric center?	2 officer.
3 A. No.	3 Q. Okay. Had you ever in your entire life been
4 Q. How long were you questioned by the police	4 arrested before that day?
5 before they took you somewhere else?	5 A. No.
6 A. I wasn't really questioned by the police, you	6 Q. Had you ever been charged with any crime at all
7 know, other than, like I said before, asking my name	7 before that day?
8 and, you know, generic questions of that nature. They	8 A. No.
9 didn't ask me anything specific other than that.	9 Q. So when you got to the police station, what
10 Q. Okay. And at some point, did they arrest you	10 happened?
11 at the center?	11 A. I was put in a cell, and I waited there for
12 A. Yes.	12 quite a while. And then I was transported somewhere
13 Q. Did they put you in handcuffs?	13 else. I spent the majority of that day in a van.
14 A. Yes.	14 Q. Sitting in a van?
15 Q. Were you allowed to see your father at that	15 A. Yeah.
16 point?	16 Q. The van not moving?
17 A. No. I didn't see my father.	17 A. Moving for the most part, being transported
18 Q. Did they take you in a police car?	18 from place to place.
19 A. Yes.	19 Q. Okay. Was there more than two trips? I mean,
20 Q. Did they tell you why they were arresting you?	20 one from Prometric to a police station and one from a
21 A. They said that I was under arrest for arson.	21 police station somewhere else?
22 Q. And did you know the definition of arson? Did	22 A. There were -- I think there were about three
23 you know that arson means fire?	23 trips.
24 MR. REIL: Objection. You mean the	24 Q. Before you were transported, were you

Maria Mahmood

Page 122	Page 124
1 questioned at the police station?	1 A. Yes.
2 A. No.	2 Q. And during that time, you got a lawyer?
3 Q. When were you questioned by the police?	3 A. Yes.
4 A. It was by a detective. I'm not sure exactly	4 Q. And you were arraigned? Do you know what that
5 where I was. I lost track of where I was. There were	5 means?
6 a lot of trips, and that wasn't really the top thing	6 A. No.
7 on my mind about where I was going. It was that I was	7 Q. Arraigned means you were brought before a
8 arrested.	8 judge, and the judge told you what you were charged
9 Q. Had you had a chance at that point to speak	9 with.
10 with your parents?	10 A. Yes.
11 A. No.	11 Q. And did you plead not guilty originally?
12 Q. So how many hours would you say -- how long	12 A. Yes.
13 after you were handcuffed and taken from the Prometr	13 Q. And eventually did you plead guilty to certain
14 center until you were questioned by the police about	14 charges and others were dismissed?
15 what happened?	15 A. Yes.
16 A. I have no idea. I don't -- I couldn't	16 Q. So in that setting where you pled guilty to
17 approximate. It felt like a very, very long time.	17 certain charges and others were dismissed, did the
18 I'd say hours at least, multiple hours.	18 judge ask you what happened? Did the judge ask you to
19 Q. Were you questioned on more than one occasion?	19 describe what had happened?
20 MR. REIL: Objection, relevance.	20 A. Not that I recall.
21 You can answer.	21 Q. Did you admit, in the course of that
22 THE WITNESS: Not that I recall.	22 proceeding, that you had started a fire?
23 BY MR. SACKS:	23 A. No. I'd have to go back and look at my
24 Q. Okay. In questioning that you recall, did the	24 records.
Page 123	Page 125
1 police ask you about starting a fire?	1 Q. Okay. Are the criminal proceedings entirely
2 A. Yes.	2 concluded?
3 Q. And did you admit starting a fire?	3 A. I believe that they are.
4 A. No.	4 Q. And the charges to which you pled guilty, have
5 Q. Did you deny starting a fire?	5 they been expunged from your record?
6 A. Yes.	6 A. Yes.
7 Q. At any point, did you admit starting a fire?	7 Q. Is that your understanding?
8 A. During the questioning with the police, no, I	8 A. Yes.
9 did not.	9 Q. That that has been completed?
10 Q. So what was the gist of your position about	10 A. Yes.
11 what happened with the police? And did you just deny	11 Q. Did you have to perform community service?
12 that you had done that and that was the end of it, I	12 A. I did.
13 don't know what you're talking about?	13 Q. And did you have to get counseling type
14 A. Yeah.	14 treatment as a condition?
15 Q. So essentially you denied knowing what they	15 A. I don't recall it being a specific condition,
16 were talking about?	16 but I did get counseling.
17 A. Yeah.	17 Q. And did you tell the University of Illinois in
18 Q. And how long did you maintain that position?	18 Chicago that you had been arrested for setting a fire
19 A. I don't remember exactly.	19 at the testing center?
20 Q. Okay. How long were you in jail before you	20 A. At first, no, I did not.
21 were released?	21 Q. When did you or in what circumstances? In what
22 A. I think it was two weeks, a little more than	22 context did you?
23 two weeks, approximately.	23 A. Well, I didn't. I don't remember exactly, but
24 Q. And were you held in Baltimore County?	24 they came to -- they were made aware of the

Maria Mahmood

Page 126	Page 128
1 information. 2 Q. So they became aware of the information not 3 through you? 4 A. I'm not sure if I specifically told them or if 5 they had gotten the information from somewhere else. 6 Q. Do you agree that doctors frequently have to 7 make decisions under pressure? 8 A. Yes. 9 Q. Do you agree that the ability to maintain 10 composure under pressure is a necessary attribute for 11 a physician? 12 A. For some physicians, yes. 13 Q. Do you agree that a doctor who can't function 14 effectively in a stressful situation may negatively 15 impact patient care? 16 A. That is something that happens frequently. 17 And, yes, I do. 18 Q. The complaint that you have pending or the 19 grievance that you have pending at the university, if 20 you prevailed on that, would that get you reinstated 21 to the university so that you could test and complete 22 your education? Is that the purpose? 23 A. Yes. 24 Q. And that's pending, correct?	1 MR. SACKS: Object to the form of the 2 question. 3 BY MR. REIL: 4 Q. And when you wrote to the USMLE, were you under 5 psychiatric care at that time? 6 A. Yes. 7 Q. I want to take a look at Mahmood 9, if I can. 8 A. This one? 9 Q. Yes. Mahmood 9. Let me put that over there 10 lest I knock it over. 11 Mahmood 9 is a memorandum from 12 Prometric dated August 16, 2011. Okay? Going down a 13 couple paragraphs on the first page, I want to read a 14 sentence under conclusion like the third sentence. It 15 says, "All other candidates continued to test 16 normally. No other candidates' exams were affected by 17 the incident." Did I read that correctly? 18 A. Yes, I believe so. 19 Q. On Page 2 of that report, down at the last 20 paragraph the last bullet. Okay? The Prometric 21 report says -- I'll read the sentence here: "In the 22 test center Ms. Mahmood was experiencing technical 23 problems with her Special Accommodation Monitor, so 24 she had" executed "the S --
Page 127	Page 129
1 A. Yes. 2 MR. SACKS: Let's just take a three 3 minute break. I may be done, but I just want to go to 4 the bathroom and be right back and think about it for 5 a second. 6 MR. REIL: Yeah, I have to go too. I 7 may have some brief followups. 8 MR. SACKS: I assumed you wanted to 9 question. 10 (A short break was taken.) 11 MR. SACKS: I don't have any more 12 questions right now. 13 MR. REIL: Okay. I have a few. 14 - - - 15 EXAMINATION 16 - - - 17 BY MR. REIL: 18 Q. Ms. Mahmood, isn't it true that you weren't 19 convicted of arson, but rather you pled to criminal 20 mischief? 21 A. Yes. 22 Q. Okay. And your conviction for criminal 23 mischief misdemeanor was expunged, correct? 24 A. Yes.	1 MR. SACKS: Exited. 2 MR. REIL: So she had exited. Thank 3 you, Counsel. 4 BY MR. REIL: 5 Q. -- the S/A room." Do you see where it says 6 that? 7 A. Yes. 8 Q. And going over to Page 3 of the Prometric 9 report, I want to direct your attention to where it 10 says "Details on the Technical Issue" in bold. It 11 states, "Ms. Mahmood had arranged for an extra large 12 screen monitor and Zoom Text, but she was not actually 13 scheduled to take the test in the S/A room. She was 14 to use this equipment at a normal workstation. 15 Another candidate had arrived who was scheduled for 16 the S/A room. The TCAs were attempting to move 17 Ms. Mahmood's monitor to the main testing area, when 18 the monitor stand broke. They were able to place the 19 monitor on the stand so that it was still viewable. 20 However, Ms. Mahmood said she would be moving the 21 monitor a lot and wanted a new monitor. The TCAs 22 asked her to wait in the reception area while they 23 tried to resolve the issue." Did I read that 24 correctly?

33 (Pages 126 to 129)

Maria Mahmood

Page 130	Page 132
<p>1 A. Yes.</p> <p>2 Q. Now, do you agree with the statement there that</p> <p>3 the monitor was able to be placed on a stand so it was</p> <p>4 still viewable for you?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why not?</p> <p>7 A. Because, as I said, this is like the main --</p> <p>8 you know, the main thing why I couldn't continue the</p> <p>9 exam. The LCD screen was separate from the stand. I</p> <p>10 mean, there were wires and the guy -- the proctor --</p> <p>11 the proctor did mention this specifically to not touch</p> <p>12 the thing because it would fall over. And, you know,</p> <p>13 it was also next to a window that's -- you know, I</p> <p>14 don't -- wouldn't expect them to know anything about,</p> <p>15 you know, albinos, or the associated photophobia, but</p> <p>16 my main contention was that the monitor was definitely</p> <p>17 broken and I couldn't work it.</p> <p>18 Q. Can you summarize for the record why you</p> <p>19 believe you were not reasonably accommodated by the</p> <p>20 NBME on the day in question?</p> <p>21 A. Well, considering that, you know, they do keep</p> <p>22 records of who's testing at what center, at least four</p> <p>23 weeks in advance from my recollection of having to</p> <p>24 register a month in advance for any exam, you know, to</p>	<p>1 - - -</p> <p>2 BY MR. SACKS:</p> <p>3 Q. Ms. Mahmood, you don't know the nature of the</p> <p>4 disability or the accommodations -- strike that.</p> <p>5 You don't know the nature of the</p> <p>6 disability of the other examinee who came in and was</p> <p>7 ultimately given the S/A room, do you?</p> <p>8 A. The most that I recall about the individual was</p> <p>9 that she did not require a wheelchair or any medical</p> <p>10 equipment. That is the best that I can do.</p> <p>11 Q. But you don't know the nature of her</p> <p>12 disability, do you?</p> <p>13 A. No, I do not.</p> <p>14 Q. And you don't know what accommodations she had</p> <p>15 requested or what accommodations the NBME had granted</p> <p>16 to her, correct?</p> <p>17 A. Correct. The only inkling that I have is in</p> <p>18 this -- in the statement that she was -- she had</p> <p>19 accommodations for an S/A room so....</p> <p>20 Q. Okay. So if her accommodations included having</p> <p>21 a private room and yours did not, then you really</p> <p>22 don't whether that's true or not; is that correct?</p> <p>23 A. I'm sorry.</p> <p>24 Q. Try that again. You don't know whether her</p>
<p style="text-align: center;">Page 131</p> <p>1 reschedule it anywhere else from one testing center to</p> <p>2 another, that means that they had a month to prepare</p> <p>3 and to have a back-up plan in case two students with</p> <p>4 testing accommodations happen to be accommodated</p> <p>5 happen to be testing at the same center.</p> <p>6 And so they should have had, you know,</p> <p>7 at least, you know, a back-up plan for that</p> <p>8 eventuality. That they should be able to accommodate</p> <p>9 more than one student at a center. And, you know,</p> <p>10 they were not able to do that. They had prior -- they</p> <p>11 had the schedule. They had -- you know, they were</p> <p>12 aware of the situation, but they failed to actually</p> <p>13 adequately provide reasonable accommodations to both</p> <p>14 students.</p> <p>15 Q. Was the failure to reasonably accommodate you</p> <p>16 on the day in question, did that occur before the</p> <p>17 tissue was lit in the bathroom?</p> <p>18 MR. SACKS: Object to the form.</p> <p>19 BY MR. REIL:</p> <p>20 Q. You can answer.</p> <p>21 A. Yes, it was.</p> <p>22 MR. REIL: That's all I have.</p> <p>23 - - -</p> <p>24 E X A M I N A T I O N</p>	<p style="text-align: center;">Page 133</p> <p>1 accommodations included a private testing area, do</p> <p>2 you?</p> <p>3 A. No.</p> <p>4 Q. And we've already gone through the fact that</p> <p>5 you didn't request a private testing area, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that person who came and was</p> <p>8 given the private room, the S/A room, was taking the</p> <p>9 USMLE or some other type of test? Do you know?</p> <p>10 A. I don't know.</p> <p>11 Q. Mr. Reil asked you about the guilty plea to</p> <p>12 criminal mischief. Am I correct that the guilty plea</p> <p>13 to criminal mischief was part of an arrangement in</p> <p>14 which you pled guilty and the prosecutor agreed to</p> <p>15 drop the arson charge?</p> <p>16 A. They -- I'm not sure as to the specifics of</p> <p>17 that criminal proceeding anymore. I mean, I trusted</p> <p>18 my lawyer, and I trusted him to carry out -- you know,</p> <p>19 to represent me the best that he could.</p> <p>20 Q. Okay. The criminal mischief that they were</p> <p>21 talking about was lighting a fire in the bathroom, was</p> <p>22 it not?</p> <p>23 A. I'm not sure. Would not lighting a fire be</p> <p>24 arson?</p>

Maria Mahmood

Page 134

1 Q. I think it would.

2 MR. REIL: Well, just answer the
3 questions and don't ask it.

4 THE WITNESS: Well --

5 BY MR. SACKS:

6 Q. Was there anything else that you did other than
7 lighting a fire?

8 A. No.

9 MR. SACKS: I think we're done. Thank
10 you.

11 MR. REIL: I'm done also. Thank you.

12 (Deposition concluded at 4:18 p.m.)

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Page 135

1 C E R T I F I C A T I O N

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4 I, Lisa DePascale, Registered Reporter, certify
5 that the foregoing is a true and accurate transcript of the
6 foregoing deposition, that the witness was first sworn by me
7 at the time, place and on the date herein before set forth.

8 I further certify that I am neither attorney nor
9 counsel for, not related to nor employed by any of the
10 parties to the action in which this deposition was taken;
11 further, that I am not a relative or employee of any
12 attorney or counsel employed in this case, nor am I
13 financially interested in this action.

14

15

16

17 _____
18 Lisa DePascale
19 Registered Reporter
20 and Notary Public
21
22
23
24